

URBAN/MUNICIPAL

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AGENDAS OF THE MEETINGS
OF THE CITY OF HAMILTON

March 30, 1993-

URBAN/MUNICIPAL

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MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON

URBAN MUNICIPAL
MAR 29 1993
GOVERNMENT

Tuesday, 1993 March 30
7:30 o'clock p.m.
Council Chambers, City Hall

J. J. Schatz
City Clerk

AGENDA

1. *National Anthem*

2. *Opening Prayer*

*Pastor Peter Hoytema
Fellowship Christian Reformed Church*

3. *Presentation*

Winner of "LOGO" Contest, Hamilton Senior Citizens Council - Mrs. Crawford

4. *Proclamation*

"Parkinson Disease Awareness Week" - 1993 April 19th-25th

5. *Minutes*

1993 March 9

6. *Petitions and Correspondence*

7. *Reports of the Standing Committees*

(b) *Parks and Recreation Committee*

(c) *Planning and Development Committee*

(h) *Finance and Administration Committee*

(i) *Nominating Committee*

8. *Notice of Motion from Previous Meeting - Alderman T. Jackson*

9. *Notices of Motion for Next Meeting*

10. *First Reading of the Bills*

11. *Second Reading of the Bills - Committee of the Whole*

12. *Third Reading of the Bills*

13. *Question Period*

14. *Adjournment.*

MINUTES

1993 March 9

Minutes of Hamilton City Council
1993 March 9
7:30 o'clock p.m.
Council Chambers, City Hall

The Council met:

Present: Mayor Robert M. Morrow
Aldermen Cooke, Kiss, Agro, Drury, Morelli, Copps, Wilson, Agostino,
Eisenberger, Jackson, Merling, Anderson, Ross, D'Amico.

Absent: Alderman W. McCulloch - civic business
Alderman B. Charters - civic business

Mayor R. M. Morrow called the meeting to order.

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The National Anthem was played.

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Reverend John H. Dickinson, James Street Baptist Church led Council in the Lord's Prayer.

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Mayor R. M. Morrow proclaimed March, 1993 as Easter Seal Month.

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The minutes of the regular meeting of 1993 February 23 and the minutes of the special meeting of 1993 February 26 were adopted as circulated.

CORRESPONDENCE

1. Letter dated March 4, 1993 from Mr. R. M. Plant of Ross and McBride, Solicitor for the owner of property located at 121 Ivon Avenue, Hamilton respecting Zoning Application 92-14, as referred to in Section 15 of the Fifth Report of the Planning and Development Committee.

Received.

2. Letter dated March 8, 1993 signed by three parents of students with "special needs" respecting school transportation as referred to in Section 1 of the Fifth Report of the Finance and Administration Committee.

Received.

3. Letter dated March 8, 1993 from L. Verma of Verma Transportation respecting the transportation of students with "special needs".

Received.

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It was moved by Alderman Cooke and seconded by Alderman Kiss that the Reports of the Transport and Environment Committee, Parks and Recreation Committee, the Planning and Development Committee, and the Finance and Administration Committee be now considered in Committee of the Whole with Alderman Wilson in the Chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Jackson, Merling, Anderson, D'Amico, Ross. -15.

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE - THIRD REPORT

Section 32 Re: Deletion of Bus Stops of the Hamilton Street Railway Company

It was moved by Alderman Merling and seconded by Alderman Anderson that section 32 of the Third Report of the Transport and Environment Committee for 1993 be tabled.

CARRIED.

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Section 38 Re: Provision for reserved disabled parking spaces on property of the Regional Department of Social Services.

It was moved by Alderman Copps and seconded by Alderman Morelli that section 38 of the Third Report of the Transport and Environment Committee for 1993 be referred back and that a delegation representing the disabled community be invited to attend the Transport and Environment Committee meeting when this matter is considered.

CARRIED.

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Section 52 Re: Ministry of Environment - Hotz Environmental Services - 239 Lottridge St. - Provisional Certificate of Approval

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Drury, Morelli, Wilson, Agostino, Eisenberger, Jackson, Merling, Anderson, D'Amico, Ross. -14.

NAYS: Alderman Copps. -1.

CARRIED.

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Section 53 Re: Parking Violation Fines

Recorded vote.

YEAS: Aldermen Cooke, Kiss, Drury, Morelli, Copps, Wilson, Eisenberger, Jackson, Merling, Anderson, D'Amico, Ross. -12.

NAYS: Mayor Morrow, Aldermen Agro, Agostino. -3. **CARRIED.**

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RULE NO. 8 OF PROCEDURAL BY-LAW 82-203

It was moved by Alderman Merling and seconded by Alderman Anderson that Rule No. 8 of Procedural By-law 82-203 be invoked for this meeting of City Council in order to consider a resolution to amend the awarding of a contract for the Collection of Compacted Garbage from Apartment Buildings, Sixty Month Term Ending 1998 approved by City Council in adopting Section 42 of the Second Report of the Transport and Environment Committee for 1993 and further to introduce a by-law respecting this issue. **CARRIED.**

Section 57 Re: Collection of Compacted Garbage from Apartment Buildings

It was moved by Alderman Merling and seconded by Alderman Anderson that the following be added as section 57 of the Third Report of the Transport and Environment Committee for 1993:

57. That Section 42 of the Second Report of the Transport and Environment Committee adopted by City Council at its meeting held February 9, 1993 be amended by deleting the amount of \$0.635 and substituting the amount of \$0.636 in lieu thereof in order to correctly reflect the low bidders tendered unit cost per month for the collection of compacted garbage from Apartment Buildings. **CARRIED.**

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Section 56 Re: Introduction of Bill A-20: A By-law to Authorize a Contract for the Collection of Apartment Garbage extending beyond the Term of Council.

It was moved by Alderman Merling and seconded by Alderman Anderson that the following be added as Sub-section (g) of Section 56 of the Third Report of the Transport and Environment Committee for 1993:

56. (g) Bill A-20: A By-law to Authorize a Contract for the Collection of Apartment Garbage, extending beyond the Term of Council. **CARRIED.**

PARKS AND RECREATION COMMITTEE - SIXTH REPORT

Section 1 (c) (iii) Re: Encroachment Policy - park, woodlot, ravine, open space etc.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Drury, Morelli, Wilson, Agostino, Eisenberger, Jackson, Merling, Anderson, D'Amico, Ross. -14.

NAYS: Alderman Copps. -1.

CARRIED.

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Section 2 Re: Lease Agreement - 80 Albion Falls Blvd.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Drury, Morelli, Wilson, Agostino, Eisenberger, Jackson, Merling, Anderson, D'Amico, Ross. -14.

NAYS: Alderman Copps. -1.

CARRIED.

PLANNING AND DEVELOPMENT COMMITTEE - FIFTH REPORT

Section 8 Re: City Initiative 92-H - 96 Mary St.,(Beasley Park) - recommendation to deny application

Recorded vote.

YEAS: Aldermen Wilson, Eisenberger, Merling. -3.

NAYS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Drury, Morelli, Copps, Agostino, Jackson, Anderson, D'Amico, Ross. -12. **LOST.**

It was subsequently moved by Alderman Agro and seconded by Alderman Cooke that Section 8 be replaced with the following:

8. (a) That City Initiative 92-H for a modification to the established "D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District regulations, to permit a public parking area (five spaces), for property located at part of No. 96 Mary Street (Beasley Park), as shown on the attached map marked as Appendix "S" and a detailed plan marked as "Appendix S-1", be approved.
- (b) That the City Solicitor in conjunction with the Building Commissioner, Director of Local Planning and the Traffic Commissioner be directed to prepare the appropriate Zoning By-law amendment and that this By-law can be rescinded at the will of Council.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Jackson, Anderson, D'Amico, Ross. -14.

NAYS: Alderman Merling. -1. **CARRIED.**

DECLARATION OF INTEREST

Section 10 Re: Hamilton GO Transit Centre - 36 Hunter Street

Alderman Jackson declared personal interest in, took no part in the debate and refrained from voting on this matter. Alderman Jackson owns a business in the immediate vicinity.

Section 10 Re: Hamilton GO Transit Centre - 36 Hunter Street

It was moved by Alderman Copps and seconded by Alderman Cooke that the following be added to the Fifth Report of the Planning and Development Committee for 1993 as subsection (i) of Section 10:

10. (i) That the City of Hamilton's commitment to Barrier Free Design be adhered to in all aspects of the outside design of the proposed GO Station and that all approaches be completely accessible. **CARRIED.**

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Section 15 Re: Zoning Application 92-14 Re: 121 Ivon Avenue

Recorded vote.

YEAS: Aldermen Cooke, Drury, Morelli, Wilson, Eisenberger, Anderson, D'Amico, Ross. -8.

NAYS: Mayor Morrow, Aldermen Kiss, Agro, Copps, Agostino, Jackson. -6.
CARRIED.

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Section 17 (a) Re: Agreement - Canadian Pacific Limited and the City

It was moved by Alderman Drury and seconded by Alderman Morelli that Section 17 (a) of the Fifth Report of the Planning and Development Committee for 1993 be amended by changing the figure of \$815. in the ninth line to \$1,160. and \$1,200. in the tenth line to \$1,700. **CARRIED.**

FINANCE AND ADMINISTRATION COMMITTEE - FIFTH REPORT

Section 1 Re: Exemption to Taxi Club By-law for the transportation of students with "special needs"

It was moved by Alderman Drury and seconded by Alderman Agro that Section 1 of the Fifth Report of the Finance and Administration Committee for 1993 be deleted and replaced with the following:

- "1. (a) That pursuant to the provisions of Section 14 of the Twenty-Fourth Report of the Finance and Administration Committee, adopted by City Council on December 8, 1992, which provides for exemptions to the Taxi Cab By-law, vehicles with a capacity of nine or less passengers which are licensed by the Ministry of Transportation as Public Vehicles and which are utilized for the transportation of students which are deemed by the Board(s) of Education to be students with "special needs", be exempted from regulation under the By-law.
- (b) That in order to assist the Licensing Division of the City Clerk's Department with enforcement of the Taxi Cab By-law, the Board(s) of Education be requested to provide the City of Hamilton with documentation with respect to the vehicles utilized for the transportation of students with "special needs".
- (c) That the Licensing Division of the City Clerk's Department take no action with respect to the enforcement of the Taxi Cab By-law, of any carrier who is currently licensed by either the City of Hamilton or the Ministry of Transportation and is currently transporting school children with an effective date of June 30, 1993.

1993 March 9

(d) That subject to the above mentioned exemptions, City Council reaffirm its decision of December 8, 1992 in that the transportation of school children within the City of Hamilton be carried out by:

- A school bus licensed by the Ministry of Transportation to carry ten (10) or more passengers or,
- A taxi licensed by the City of Hamilton to carry nine (9) passengers or less."

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Jackson, Merling, Anderson, D'Amico, Ross. -15.

NAYS: -0.

CARRIED.

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RULE NO. 8 OF PROCEDURAL BY-LAW 82-203

It was moved by Alderman Ross and seconded by Alderman D'Amico that Rule No. 8 of the City's Procedural By-law 82-203 be invoked for this meeting of City Council in order to allow consideration of a recommendation respecting an Amendment to an Employment Contract.

CARRIED.

Section 14 Re: Contract - M. Mascarenhas

It was moved by Alderman Ross and seconded by Alderman D'Amico that the following be added as Section 14 of the Fifth Report for 1993 of the Finance and Administration Committee:

14. "That the contract between Mark Mascarenhas and the City of Hamilton be amended by deleting the date 1993 May 10 in Article 1 and inserting in lieu thereof the date 1993 November 12."
- CARRIED.**

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It was moved by Alderman Cooke and seconded by Alderman Kiss that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, and the Finance and Administration Committee, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Jackson, Merling, Anderson, Ross, D'Amico. -15.

NAYS: -0.

CARRIED.

NOTICE OF MOTION

Alderman Jackson gave notice that he would move the following at the next regular meeting of City Council:

That the Mum Show Committee which is presently a Committee accountable to the Parks Division Staff, become a Sub-Committee of the Parks and Recreation Committee of City Council.

ADOPTION OF BILLS

It was moved by Alderman Cooke and seconded by Alderman Kiss that the following Bills be now read a first time:

A-14, A-15, A-16, A-17, A-18, A-19, A-20.
C-20, C-21, C-22, C-23, C-24, C-25.
H-15.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Jackson, Merling, Anderson, D'Amico, Ross. -15.

NAYS: -0.

CARRIED.

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It was moved by Alderman Cooke and seconded by Alderman Kiss that Council move into Committee of the Whole to consider the following Bills, with Alderman Wilson in the chair. (second reading).

A-14, A-15, A-16, A-17, A-18, A-19, A-20.
C-20, C-21, C-22, C-23, C-24, C-25.
H-15.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Jackson, Merling, Anderson, D'Amico, Ross. -15.

NAYS: -0.

CARRIED.

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Consideration of the Bills (second reading).

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It was moved by Alderman Cooke and seconded by Alderman Kiss that the Report of the Committee of the Whole on the following Bills, be adopted. -

A-14, A-15, A-16, A-17, A-18, A-19, A-20.
C-20, C-21, C-22, C-23, C-24, C-25.
H-15.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Jackson, Merling, Anderson, D'Amico, Ross. -15.

NAYS: -0.

CARRIED.

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It was moved by Alderman Cooke and seconded by Alderman Kiss that the following Bills, be now read a third time, signed, sealed and enrolled as By-laws:

A-14, A-15, A-16, A-17, A-18, A-19, A-20.
C-20, C-21, C-22, C-23, C-24, C-25.
H-15.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Jackson, Merling, Anderson, D'Amico, Ross. -15.

NAYS: -0.

CARRIED.

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City Council then adjourned at 9:20 o'clock p.m.

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Taken as read and approved.

Mayor R. M. Morrow

J. J. Schatz, City Clerk
1993 March 9

CORRESPONDENCE

Correspondence:

1. Letter dated March 10, 1993 from Gary Rousseau, Ancaster, Ontario for an Official Plan Amendment for a redesignation from "Open Space" to "Industrial" and a change in zoning from "AA" (Agricultural) District to "M-14" (Prestige Industrial) District, for lands located at the rear of 406 Pritchard Road, Hamilton, Ontario.

Recommendation: Be Received.

2. Letter dated March 10, 1993 from Rolanco Networking, Hamilton, Ontario for the removal of the "H" Holding provision from the "C" (Urban Protected Residential, etc.) District, modified for property located at No. 860 Upper Wentworth Street, Hamilton, Ontario.

Recommendation: Be Received.

3. Letter dated March 10, 1993 from J. J. Schatz, City Clerk advising of objections to By-law 93-034 respecting property at 625 and 635 Concession Street. (previously distributed)

Recommendation: Be Received.

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Parks and Recreation Committee presents its **SEVENTH** Report for 1993 and respectfully recommends:

1. That approval in principle be given to the Director of Property to pursue further the proposal initiated by the Jackson family, developers of Nash Acres, proposed plan of subdivision, to acquire a parcel of City owned land in the vicinity of Derek Drive in the Gershome Neighbourhood for inclusion in the said plan, and to pursue further, the acquisition of the Jackson lands in the Gershome Neighbourhood for parks/open space purposes.
2.
 - (a) That an Offer to Purchase Agreement, duly executed by 886531 Ontario Ltd. (Fernando Recchia, President) on 1993 March 1, and scheduled for closing on or before 1993 May 26, for the purchase of the lands situated within the Regional Municipality of Hamilton-Wentworth, being composed of part of Lot 11, Concession 4, formerly in the Township of Barton, now in the City of Hamilton, having a frontage along the westerly road limit of Upper Wentworth Street of 12.0 metres (39.97 feet) more or less, by a depth of 42.65 metres (139.92 feet) more or less, and comprising a total area of 511.8 square metres (5,509.15 square feet) more or less, more particularly described as Part 3 on Registered Plan 62R-11955, be approved and completed, and the funds derived from this sale of \$32,500. be credited to Account No. CH5X303 00102 (Reserve for Property Purchases). A certified deposit cheque in the amount of \$1,625. is being held by the City Treasurer pending Council approval.
 - (b) That the Purchaser covenants to the City to comply with the overall Grading Plan, the detailed Grading Plan and the Service Agreement in its construction on the purchased land and in the related matters set out therein as requirements of the City.
 - (c) That a certified security deposit in the amount of \$3,000. be held by the City Treasurer as security against completion of the grading specifications, which monies shall be returned to the Purchaser upon producing a Grading Certificate in a form satisfactory to the Building Commissioner in compliance with the terms and conditions of this Agreement.

- (d) That this land be conveyed to the Purchaser subject to an Easement (in a form satisfactory to the City Solicitor) over the subject land for the benefit of the Vendor for the purpose of enabling the Vendor, in its discretion, to enter the land to carry out lot grading or other matters in the event the Purchaser fails to comply with the requirements of:-

- the overall Grading Plan
- the Service Agreement; and
- the said approved detailed Grading Plan

The Vendor may do such works as may be required so that the lot grading and other required matters are in compliance with the said requirements. The Purchaser agrees to enter into the Easement at least two (2) weeks prior to closing and to register the Easement on title to the land prior to the closing of the sale of this land to the Purchaser. The Purchaser agrees that the costs incurred by the Vendor in performing said works shall be deducted from the refundable security and upon release of the Easement provided for below, the Vendor agrees to return any remaining monies to the Purchaser less said costs without interest or penalty and subject to the new provisions on the refund set out in the Service Agreement. Notwithstanding and without limiting the foregoing, the Vendor reserves the right to apply the said security against the cost to remedy any of the default of the Purchaser under the Agreement, the Service Agreement or any other unpaid taxes or charges due the City and to take all other action to recover its costs should said costs exceed the amount of security. The said Easement will expire five (5) years after the completion of construction of a house on the land or upon written release by the City of the Easement, whichever is earlier.

3. (a) That an Offer to Purchase Tender Agreement, duly executed by 886531 Ontario Ltd. (Fernando Recchia, President), on 1993 March 1, and scheduled for closing on or before 1993 May 26, for the purchase of the lands situated within the Regional Municipality of Hamilton-Wentworth, being composed of part of Lot 11, Concession 4, formerly in the Township of Barton, now in the City of Hamilton, having a frontage along the westerly road limit of Upper Wentworth Street of 12.0 metres (39.37 feet) more or less, by a depth of 42.65 metres (139.92 feet) more or less, comprising a total area of 511.8 square metres (5,509.15 square feet) more or less, more particularly described as Part 5 on Registered Plan 62R-11955, be approved and completed, and the funds derived from this sale of \$32,500. be credited to Account No. CH5X303 00102 (Reserve for Property Purchases). A certified deposit cheque in the amount of \$1,625. is being held by the City Treasurer pending Council approval.

- (b) That the Purchaser covenants to the City to comply with the overall Grading Plan, the detailed Grading Plan and the Service Agreement in its construction on the purchased land and in the related matters set out therein as requirements of the City.
- (c) That a certified security deposit in the amount of \$3,000. be held by the City Treasurer as security against completion of the grading specifications, which monies shall be returned to the Purchaser upon producing a Grading Certificate in a form satisfactory to the Building Commissioner in compliance with the terms and conditions of this Agreement.
- (d) That this land be conveyed to the Purchaser subject to an Easement (in a form satisfactory to the City Solicitor) over the subject land for the benefit of the Vendor for the purpose of enabling the Vendor, in its discretion, to enter the land to carry out lot grading or other matters in the event the Purchaser fails to comply with the requirements of:-
 - the overall Grading Plan;
 - the Service Agreement; and
 - the said approved detailed Grading Plan

The Vendor may do such works as may be required so that the lot grading and other required matters are in compliance with the said requirements. The Purchaser agrees to enter into the Easement at least two (2) weeks prior to closing and to register the Easement on title to the land prior to the closing of the sale of this land to the Purchaser. The Purchaser agrees that the costs incurred by the Vendor in performing said works shall be deducted from the refundable security and upon release of the Easement provided for below, the Vendor agrees to return any remaining monies to the Purchaser less said costs without interest or penalty and subject to the new provisions on the refund set out in the Service Agreement. Notwithstanding and without limiting the foregoing, the Vendor reserves the right to apply the said security against the cost to remedy any of the default of the Purchaser under the Agreement, the Service Agreement or any other unpaid taxes or charges due the City and to take all other action to recover its costs should said costs exceed the amount of security. The said Easement will expire five (5) years after the completion of construction of a house on the land or upon written release by the City of the Easement, whichever is earlier.

4. That the City of Hamilton participate in Canada's National Fit Week campaign, by promoting "Active Living" activities from 1993 May 28 - June 6.
5. That approval be granted to the "It's Your Festival" Organizers to use Gage Park to host "It's Your Festival", 1993 July 1 to July 4, 12 o'clock noon to 11 o'clock p.m., subject to the following terms and conditions:
 - (a) That insurance, in the amount of \$2 million, Comprehensive General Liability Insurance for Property Damage and Bodily Injury, subject to cross liability, and 30 days notice of cancellation and naming the City as co-insured, be provided.
 - (b) That the applicant assume responsibility for all labour-related costs as a result of this event, including set-up and clean-up.
 - (c) That Special Duty Officers as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense.
 - (d) That the terms and conditions be reviewed and monitored by the Special Events/Festival Advisory Team.
6. That permission be granted to the Hamilton Wentworth Creative Arts Inc. to use Kay Drage Park for parking for the "Earthsong Festival" that is being held at Princess Point 1993 July 1 to July 4 inclusive, subject to the following terms and conditions:
 - (a) That proof of \$2 million Comprehensive Liability Insurance for Property Damage and Bodily Injury be provided, same to be submitted 30 days in advance of the event and naming the City as co-insured satisfactory to City.
 - (b) That the applicant assume responsibility for all labour-related charges associated with the event, (set-up, dismantling, clean-up, etc.).
 - (c) That Special Duty Officers as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense.
 - (d) That the terms and conditions be reviewed and monitored by the Special Events/Festival Advisory Team.

7. That approval be granted to the Regional Municipality of Hamilton Wentworth to use Pier-4 Park and Eastwood Park to host "Greater Hamilton Aquafest", 1993 July 23 to July 26, from 12:00 o'clock noon to 11:00 o'clock p.m. subject to the following terms and conditions:
 - (a) That insurance, in the amount of \$2 million, Comprehensive General Liability Insurance for Property Damage and Bodily Injury, subject to cross liability, and 30 days notice of cancellation, be provided.
 - (b) That the appropriate insurance be in place related to the City's interests, particularly related to non-owned watercraft and automobiles.
 - (c) That all requirements of the Liquor Licence of Ontario are met.
 - (d) That alcoholic beverages be served in the confined area (beer and wine only).
 - (e) That the Region assume responsibility for all labour-related costs as a result of this event, including set-up and clean-up.
 - (f) That the terms and conditions be reviewed and monitored by the Special Events/Festival Advisory Team.
8. That approval be granted to Hamilton Wentworth Creative Arts Inc. to use Gage Park to host "Festival of Friends", 1993 August 6 to August 8, 12:00 o'clock noon to 11:00 o'clock p.m. subject to the following terms and conditions:
 - (a) That insurance, in the amount of \$2 million, Comprehensive General Liability Insurance for Property Damage and Bodily Injury, subject to cross liability, and 30 days notice of cancellation and naming the City as co-insured, be provided.
 - (b) That the applicant assume responsibility for all labour-related costs as a result of this event, including set-up and clean-up.
 - (c) That Special Duty Officers as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense.
 - (d) That the terms and conditions be reviewed and monitored by the Special Events/Festival Advisory Team.

9. (a) That the application by the Feast Committee of the Church of St. Anthony of Padua, to host their annual feast celebration in Ivor Wynne Stadium on Sunday, 1993 June 13, between the hours of 11:00 o'clock a.m. and 11:00 o'clock p.m. be approved, subject to the following terms and conditions:
 - i. The terms and conditions set down in accordance with Schedule B of the Operational Regulations for use of Ivor Wynne Stadium.
 - ii. The terms and conditions for Fireworks Display at the Ivor Wynne Stadium as approved by City Council, at its meeting held October, 1987.
 - iii. The Licensed Operator providing adequate insurance for his own protection.
 - iv. That the Fireworks Display consist of a low level show.
- (b) That proof of \$2 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury, naming the City as co-insured.
10. That permission be granted to the Gourley Park Community Association to sell beer, wine and food during the occasion of their annual adult three-pitch tournament, scheduled at James MacDonald School Park on Saturday, 1993 July 10 and Sunday, 1993 July 11 (raindate 1993 July 17 and July 18) subject to the following terms and conditions:
 - (a) The proof of \$2 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury, naming the City as additional insured, be provided.
 - (b) That the applicant meet all requirements of the Liquor Licence Board of Ontario for issuance of a Special Occasion Permit.
 - (c) That the applicant assume responsibility for all labour-related costs as a result of this event.
 - (d) That Special Duty Officers, as may be deemed necessary by the Hamilton-Wentworth Regional Police, be provided at the applicant's expense.

11. That approval be given to the Greenhill Co-operative Corporation to hold a Fireworks Display on City property located at Quigley and Greenhill on Monday, 1993 May 24, raindate 1993 May 30, subject to the following terms and conditions:
 - (a) That a Licensed Operator be responsible for carrying out the Fireworks Display.
 - (b) That proof of \$2 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury, naming the City as co-insured.
12. That permission be granted to Racalmutese Maria S.S. Del Monte Ontario Inc. to conduct a fireworks display at Eastwood Park on 1993 June 20, in honour of Maria Santissima Del Monte, subject to the following terms and conditions:
 - (a) That a licensed operator be responsible for carrying out the fireworks display.
 - (b) That the Racalmutese Maria S.S. Del Monte Ontario Inc. have in place \$2 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury, naming the City as co-insured.
 - (c) That the applicant assume the responsibility for all labour-related costs as a result of this the event including set-up and clean-up.
 - (d) That the terms and conditions be reviewed and monitored by the Special Events/Festival Advisory Team.
13. That approval be granted to Big "A" Amusement Ltd. to use Parkdale Park to host a fundraising event for the Queenston Parent/Child Drop In Centre 1993 July 14 to July 18, from 12:00 o'clock noon to 10:00 o'clock p.m., subject to the following terms and conditions:
 - (a) That insurance, in the amount of \$3 million, Comprehensive General Liability Insurance for Property Damage and Bodily Injury, subject to cross liability, and 30 days notice of cancellation, be provided.
 - (b) That the applicant assume responsibility for all labour-related costs as a result of this event i.e. clean-up.
 - (c) That the terms and conditions be reviewed and monitored by the Special Events/Festival Advisory Team.
 - (d) A Site Plan of Park to be submitted one month prior to event.

1993 March 30

14. (a) That the base city, financed, capital appropriation, authorized by City Council in March of 1991, be increased to the revised capital appropriation based upon 1992/93 additional subsidies received from provincial and federal grants according to the following:

<u>Capital Project</u>	<u>Gross Cost Authorized by Council (1991)</u>	<u>Rec'd & Approved Subsidies 1992/93</u>	<u>Revised Amount</u>
Dundurn Castle Restoration CF 719141002	\$600,000.	\$708,500.	\$1,308,500.
Cockpit Restoration(Dundurn) CF 719141002	\$260,000.	\$147,500.	\$ 407,500.
Whitehern Restoration	\$500,000.	\$176,508.	\$ 676,508.

These subsidies, applied for an increase to the scope of needed restoration work, were received based on the formula which accepted the 1991 commitment of City Council.

- (b) That the revised capital appropriation be forwarded to the Finance and Administration Committee for approval.
15. That approval be given to Dundurn Castle to apply for a Summer Employment/Experience Development (SEED) grant to enhance the Summer Outside Activities Programme.

Respectfully Submitted,

Kevin C. Christenson
Secretary

ALDERMAN T. JACKSON, CHAIRPERSON
PARKS AND RECREATION COMMITTEE

1993 March 23

1993 March 30

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **SIXTH** Report for 1993 and respectfully recommends:

1. That the Mayor and City Clerk be authorized to execute the necessary documents to release the property at 120 Nebo Road, Hamilton (Lot 19, Hamilton Industrial Park No. 1, Plan M-227), from the construction covenants to the City as contained in Deed Instrument Numbers 209743 L.T. and 209744 L.T., registered on September 22, 1987.
2. That the City Treasurer be directed to close the following Capital Project accounts with any excess funding to be transferred to its original source of financing:

Capital Centre Number	Project Description	Authorized Gross Cost	Expended/ Committed To Date	Balance Available	Source Of Financing
a) 428303000	Downtown Action Plan Phase 1	3,529,000.00	3,529,000.00	0.00	Cap. Levy/ Debentures
b) 428403000	Downtown Action Plan Phase 2	1,603,000.00	1,599,382.06	3,617.94	Debenture/ CAIP Loan
c) 428702000	PRIDE - Crown Point West/ Stipley	800,000.00	800,000.00	0.00	Reserve Cap. Proj./ Debentures
d) 429102002	PRIDE - Anti- Recession Program	800,000.00	799,858.86	141.14	Cap. Levy
TOTAL		6,732,000.00	6,728,240.92	3,759.08	

3. That the approved Beasley Neighbourhood Plan be amended as shown on Appendix "A" attached hereto.
4. (a) That funding in the amount of \$15,000. be provided from the City's Reserve Acquisition of Historic Properties Account (CH 00120) to:
 - i. Undertake a structural investigation of 11-13 Holmes Avenue, as soon as the house is vacated at the beginning of 1993 May.
 - ii. Partially dismantle and move the original log structure presently located at 11-13 Holmes Avenue to the Westfield Heritage Centre, in the event that it is assessed to be worthy of preservation by the Architect/Consultant Peter Stokes, in terms of its structural soundness and architectural integrity.
- (b) That the City's contribution be conditional upon the other participants raising the balance of the total estimated project costs of \$24,045.
5. (a) That approval be given to the "Intent to Designate" the former T.H. & B. Station at 36 Hunter Street East as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation attached herewith and marked as Appendix "B"; and
- (b) That the City Solicitor be authorized as directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.
6. That the Building Commissioner be authorized to issue a demolition permit for 28 Victoria Avenue North.
7. That a loan increase of \$1,886. be approved for Mr. G. Turpin, 533-537 Concession Street, under the Commercial Facade Loan Programme. The total loan is now \$30,000.
8. That a Hamilton Emergency Loan (H.E.L.P.) in the amount of nine hundred and ten dollars, (\$910.) be approved for Agnes Gidley, 74 Chatham Street, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

9. That a Hamilton Emergency Loan (H.E.L.P.) in the amount of nine hundred and ten dollars, (\$910.) be approved for Mona-Lynn Clarkson, 48 East 35th Street, Hamilton. The interest rate will be 8 per cent amortized over 5 years.
10. That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, four hundred and ninety eight dollars, (\$1,498.) be approved for Maria Tompa, 252 Glencarry Avenue, Hamilton. The interest rate will be 8 per cent amortized over 5 years.
11. That **approval** be given to Zoning Application 93-02, J. A. Riccio Developments Inc., owner, requesting the removal of the 'H' (Holding) symbol provision under Section 36 of the Planning Act, to permit the development of the subject lands for a proposed commercial development (i.e. furniture warehouse), and the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-law 88-281, and Zoning District Map E-9C for presentation to City Council for the lands located at Nos. 1379 - 1383 Upper James Street, as shown on the attached map marked as Appendix "C".
12.
 - (a) That approval be given to the "Intent to Designate" 90 Stinson Street as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation attached herewith and marked as Appendix "D"; and
 - (b) That the City Solicitor be authorized and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.
13. That a application fee of \$350. for an application for cash-in-lieu of parking be established.
14. A. That **approval** be given to amended Zoning Application 92-51, Ontario Land Corporation, owner, requesting a modification in zoning to the established "C" (Urban Protected Residential, etc.) District to permit (7) single-family detached dwelling lots with reduced widths and four (4) of the lots with reduced areas, for lands located between Duncairn Crescent and Heatherdale Place, and west of Gondola Street, as shown on the attached map marked as Appendix "E", on the following basis:

- (a) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variance as a special requirement:
 - i. That notwithstanding Section 9.(4) of Zoning By-law No. 6593, a minimum lot width of 11.4 m (37.4 ft.) and a minimum lot area of 350.0 m² (3,767.5 sq. ft.), shall be provided and maintained for every lot;
 - (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1307, and that the subject lands on Zoning District Map W-17B be notated S-1307;
 - (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-17B for presentation to City Council;
 - (d) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- B. (a) That **approval** be given to application 25T-92011, "Hamilton Gourley Stage 1", Ontario Land Corporation, owner, to establish a draft plan of subdivision, on lands situated between Heatherdale Place and Duncairn Crescent in the Gourley Neighbourhood, subject to the following conditions:
- i. That this approval apply to the plan, as revised in red, prepared by A. J. Clarke and Associates Limited, stamp dated November 13, 1992, showing 20 lots for single family dwellings.
 - ii. That Lots 7 to 11 inclusive, be revised to avoid a potential overlapping of driveways within the boulevard area.
 - iii. That the Owner satisfy all financial requirements of both the City of Hamilton and the Region of Hamilton-Wentworth with respect to providing municipal services to the subdivision lands and costs associated with the 0.30 metre reserves (Parts 2, 4, and 6 shown on Plan 62R-12372) on Duncairn Crescent and Gondola Street.

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- iv. That the Owner be required to enter into subdivision agreements with both the City of Hamilton and the Region of Hamilton-Wentworth prior to the development of any portion of these lands.
- v. That a grading plan be submitted to the Parks Division of the City of Hamilton Public Works Department to facilitate the integration of this project with the adjacent parkland.
- vi. That the final plan not be approved until such time as municipal sewers, water and adequate road access are available to service the lands.
- vii. That the streets be dedicated as public highways on the final plan to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
- viii. That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
- ix. That the final plan conform with the Zoning By-law approved under the Planning Act.
- x. That such easements as may be provided for utility or drainage purposes be granted to the appropriate authority.
- xi. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan.
- xii. That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
- xiii. That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton.
- xiv. That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton.

- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-92011), Ontario Land Corporation, owner, proposed draft plan of subdivision, and that the City execute the agreement with the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
- 15. That **approval** be given to Zoning Application 92-53, 518374 Ontario Limited, (Angello Papastamos), owner, requesting a further modification to the established "AA" (Agricultural) District regulations, to permit a butcher shop as an additional permitted use within the existing building, on property located at No. 1314 Upper Wentworth Street, as shown on the attached map marked as Appendix "F", on the following basis:
 - (a) That the "AA" (Agricultural) District regulations as contained in Section 7A of Zoning By-law No. 6593, as amended by By-law No. 92-075, applicable to the subject lands, be further amended as follows:
 - i. That Section 1.(a)(i) Commercial Uses, of By-law 92-075 be amended by adding the words "including an accessory butcher shop" after "a retail variety store" so that the Section reads as follows:
 - "(i) Commercial Uses:
 - 1. a retail variety store including an accessory butcher shop;
 - 2. a business and professional person's office,
 - within the building existing on the day of the passing of this by-law;"
 - (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1158a, and that the subject lands on Zoning District E-18C be notated S-1158a;
 - (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18C for presentation to City Council;

- (d) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
16. That **approval** be given to Zoning Application 92-56, Demetre Dekaneas, owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit future single-family residential development, for property located at Nos. 140, 150 and 158 Rymal Road West, as shown on the attached map marked as Appendix "G", on the following basis:
- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
 - (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-9D and W9-E for presentation to City Council;
 - (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
17. That leave be granted to introduce the following Bills:
- (a) Bill C-26 By-law to amend Zoning By-law No. 6593 as amended by By-law No. 89-163 respecting Land Located at Municipal No. 10 Hempstead Drive
 - (b) Bill C-27 By-law to amend Zoning By-law No. 6593 as amended by By-law No. 92-281 respecting Front Yard Parking for Single and Two-Family Dwellings in Residential Districts
 - (c) Bill C-28 By-law to amend Zoning By-law No. 6593 and to Repeal By-laws No. 91-206 and 92-046 respecting Lands Located at the South-West Corner of Upper Sherman Avenue and Limeridge Road East
 - (d) Bill C-29 By-law to amend By-law No. 86-73 as amended by By-laws No. 87-148 and 92-058 respecting Members of the Board of Management of the Business Improvement Area generally bounded by King William Street, Mary Street, Main Street East and James Street North

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- (e) Bill C-30 By-law to amend By-law No. 86-98 as amended by By-law No. 92-074 respecting Members of the Board of Management of the Westdale Business Improvement Area.

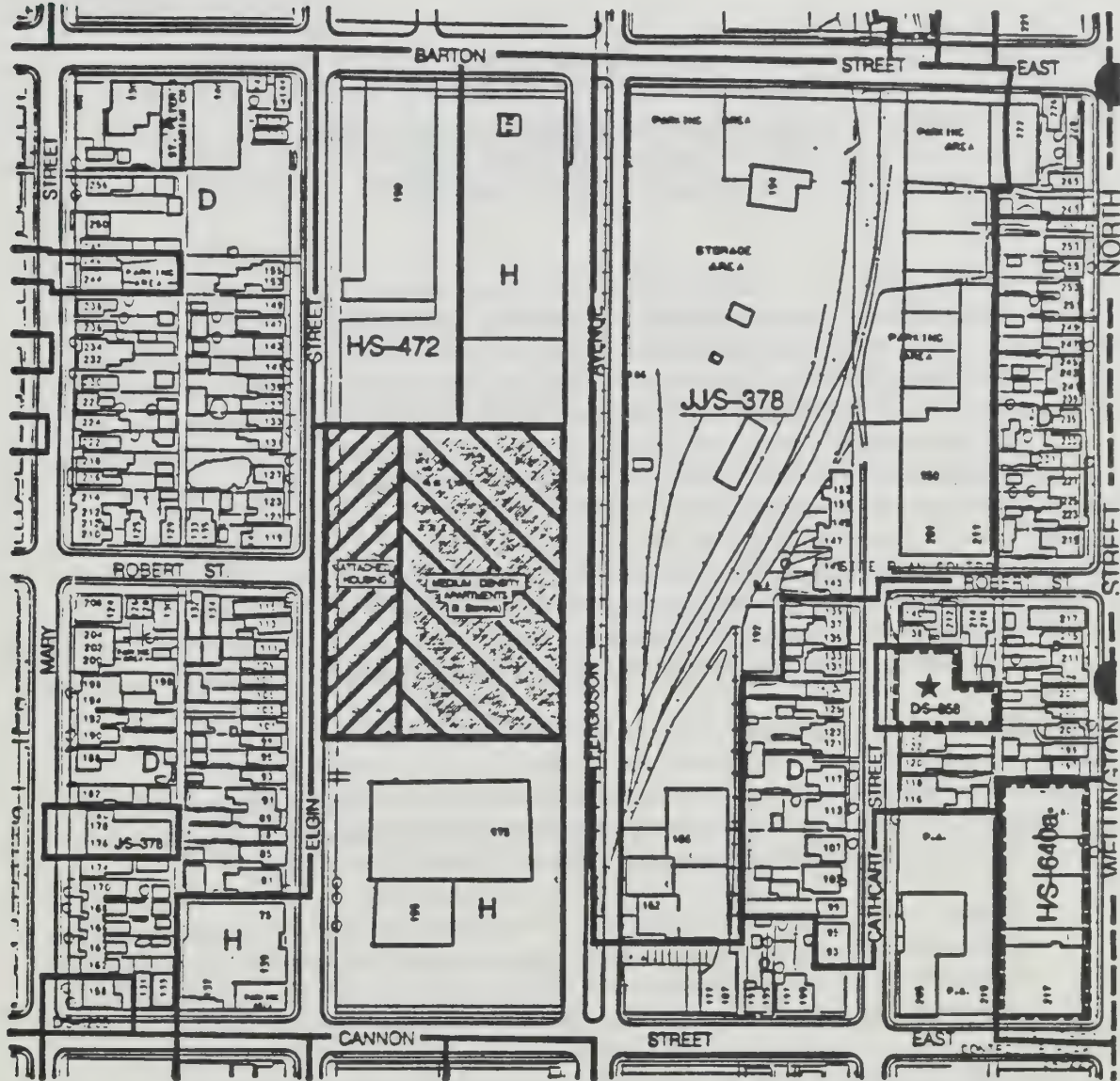
RESPECTFULLY SUBMITTED,




ALDERMAN F. EISENBERGER, VICE CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE

Tina Agnello, Secretary
1993 March 24

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Appendix "A" as referred to
in Section 3 of the SIXTH
Report of the Planning and
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<p>BEASLEY NEIGHBOURHOOD PLAN</p>	<p> ATTACHED HOUSING</p> <p> MEDIUM DENSITY APARTMENTS (8 Storeys)</p>	<p>Prepared for the City of Hamilton By the Planning and Development Department Regional Municipality of Hamilton-Wentworth</p> <p>Drawn by: M. G. G. G. Date: March 1993 Scale: 1:10,000</p>
	<p>AMENDMENT TO THE BEASLEY NEIGHBOURHOOD PLAN</p>	<p> North</p> <p>APPENDIX A</p>

1993 March 30

Appendix "B" as referred to
in Section 5 of the SIXTH
Report of the Planning and
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REASONS FOR DESIGNATION

**Former Toronto, Hamilton and Buffalo Railway Station
(Proposed GO-Transit Centre)
36 Hunter St. East, Hamilton**

The former Toronto, Hamilton and Buffalo (TH&B) Railway Station, situated on Hunter St. East at the head of Hughson St., ranks as a major architectural landmark of Hamilton's downtown core. The station was constructed in 1931-33 by the TH&B Railway to serve as both a passenger/freight terminal and the company's headquarters. In 1977, Canadian Pacific Railway (CPR) bought control of the railway line and in 1981, the station ceased to function as a passenger terminal. Current plans are to restore and convert the station into the new GO-Transit Center for rail and bus transportation. In 1991, the former TH&B Station was designated under the federal Heritage Railway Stations Protection Act.

The TH&B headquarters were designed by the New York architectural firm of Fellheimer and Wagner in a stream-lined modernist style known as Art Moderne. Well-known for their spectacular railway stations in Buffalo and Cincinnati, the firm provided Hamilton with a high-styled modernist structure which was at the forefront of railway station design in Canada.

Context

The importance of the downtown railway terminal, located just three blocks south of the city's central Gore Park, was recognized in its siting. The station was placed on the cross-axis of Hughson St., and Hunter St. was re-aligned to curve out in front of the building.

In a larger context, the TH&B Station's location at the southern end of Hughson St. corresponds to the Canadian National Railway (CNR) Station's location at the northern end. Both stations face towards the city centre and both were built in the same period, the CNR Station having been completed in 1931, just as construction began on the TH&B Station.

History

The 102-mile railway link between the three major cities came about in 1895 as a result of pressures to introduce competition to the Grand Trunk Railway; to provide the shortest land route to American rail lines; and to give new service along the Hamilton-Niagara corridor.

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Established originally as a through-line for passenger and freight service, the TH&B Railway in 1899 constructed a beltline to the City's new industrial lands at the east end, thereby facilitating Hamilton's major industrial expansion of the early 20th century. So profitable was the freight traffic—business increased tenfold between 1901 and 1917—that the company could elect in the middle of the Depression to build new facilities to replace the Victorian structure of 1895.

Architecture

Built of a steel frame construction with a cut-limestone exterior, the structure combines a central, stepped headquarters tower six-stories high over a two-story railway station, which extends laterally in low, rounded projecting wings. Concrete retaining walls stretch out horizontally to from the station to connect to the bridges at James and John Streets.

Stylistically, the building achieves a unique combination of the modernist elements popular in the 1920's and '30's. Characteristic of the avant-garde International Style are the stepped office tower configuration and bands of windows which wrap around corners, a hallmark of the curtain wall construction made possible by the use of structural steel. Likewise, the smooth planar walls devoid of any traditional ornamentation, and, in particular, the curved walls of the lower stories, are typical of the streamlined Art Moderne style. Art Deco influence can be seen in the decorative treatment above the central vertical strip window.

The two-storey station, on the other hand, stands as a rare example of a pure Art Moderne public building. On the exterior and throughout the interior can be found the curved forms, polished metals and sleek machined detailing of this stream-lined version of the modernist movement. In the central focal point—the two-story concourse—the design of the architecture and the design of the interior fittings (fixtures, furnishings and signage) achieve total integration, inspired by the same lean industrial aesthetic.

Designated Features

Of importance to the preservation of the former TH&B Railway Station are the original features of all four exteriors, including the limestone walls; windows; entranceways, doors, and porticos; original signage, architectural ornamentation and flagpole; the concrete retaining walls; the platform structures; and the interior entrance lobby and semi-circular concourse, including the mezzanine and all original interior design features, including but not limited to the terrazzo floor, walls, ceiling, doors, columns, steel decoration, lighting and accessory fixtures, clock, wickets, signage, etc.

Appendix "C" as referred to in Section 11 of the **SIXTH** Report of the Planning and Development Committee for 1993



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Appendix "D" as referred to
in Section 12 of the SIXTH
Report of the Planning and
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REASONS FOR DESIGNATION

Fearman House, 90 Stinson St., Hamilton

The substantial stone residence at 90 Stinson Street was built in 1863 for Frederick W. Fearman and was later enlarged in 1875 and 1890. Today, with its prominent, three-story entrance tower marking the head of East Avenue South, this commanding Victorian mansion stands out as an important neighbourhood landmark and as one of the City's finest stone mansions erected in the pre-Confederation era.

Context

When constructed, the home was situated on an acre of land near the south-east limits of the City, nearly a mile from its centre. The house occupied a scenic location at the foot of the mountain, with a vista overlooking the open fields to the Bay beyond.

By the 1890's, urban development had spread eastwards, encompassing the Fearman property, and transforming the area into a prosperous residential neighbourhood. The entrance lane to 90 Stinson Street had by then become a tree-lined avenue of stately Victorian homes. This vista up East Avenue toward the dominating entrance tower of the Fearman Home--a feature which enhances the impact of both streetscape and mansion--is one of the few examples left in the City of a once-prevalent Victorian urban form.

In the late nineteenth century, major public buildings were situated in the immediate area: in 1876, the Hamilton Boy's Home, featuring a central clock tower, was located one block east of the Fearman House on Stinson Street; in 1895 the Stinson Street School was erected five blocks to the east; and in the following year the new Central Collegiate Institute, an extraordinary, monumental structure resembling Toronto's old City Hall, dominated the neighbourhood from its site one block to the west at Victoria and Hunter Streets. Today, Stinson St. School and the Fearman House are the primary monuments which recall the neighbourhood's heyday at the turn of the century.

Architecture

Frederick W. Fearman's house is considered a true product of the Victorian era, built in stages from 1863 to 1890, as his architectural tastes and circumstances changed. Its pre-Confederation origin is indicated by the use of local stone, which was rarely employed in Hamilton for houses after the 1860's. Stylistically, 90 Stinson Street displays the hallmarks of the popular Gothic Revival style: pointed, lancet windows, a steeply pitched roofline with dormers, and decorative bargeboard at the gable ends.

Later, and with considerable finesse, an imposing central entrance tower of combined Italianate and Gothic derivations was appended to

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the front facade of the original home, transforming it into a highly fashionable Victorian mansion, appropriate to Fearman's growing economic and social status. "Ivey Lodge", as it was known, was originally embellished with look-out balconies on the tower, shutters on the upstairs windows, and a charming landscaped garden with climbing vines. Today, 90 Stinson Street retains most of its original features and is unique among the mansions inherited from Hamilton's pioneering industrialists.

History


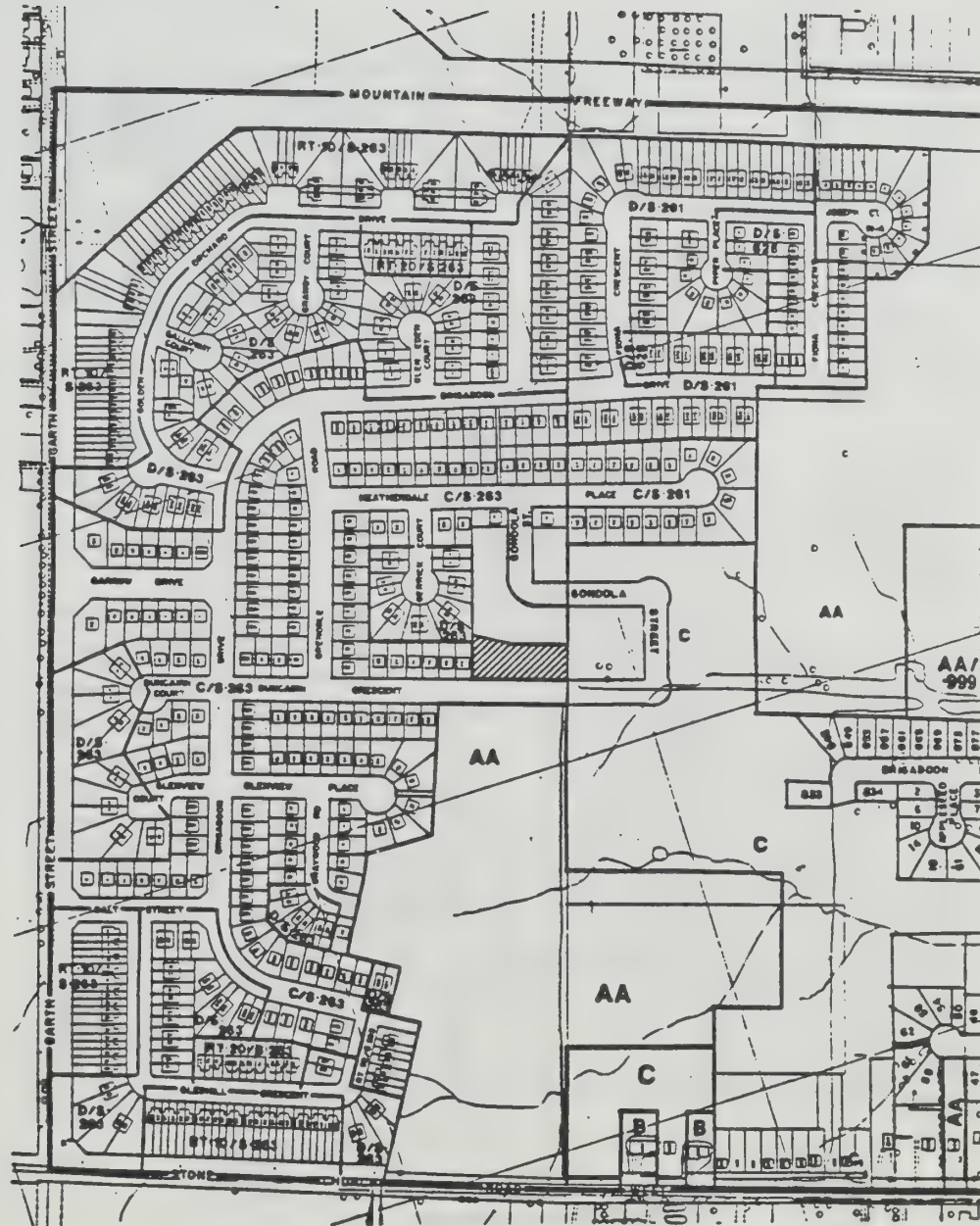
Original owner Frederick William Fearman built his stone house on Stinson Street when he was thirty-eight years old and still working as a grocer and meat-curer in the downtown. He was to live in the same home for another forty-three years, during which time he bought a small meat-packing company at Rebecca and Wellington Streets and developed it into one of the foremost packing houses in Canada. Fearman is credited with pioneering new techniques and organizing all meat-packing operations for the first time into one plant. Utilizing a railway siding off the Grand Trunk Railway on Ferguson Avenue, Fearman's "Star Brand" products could be transported directly all across North America, and eventually to the Caribbean and Europe.

Not only was F. W. Fearman a founding member of the Pork Packers' Association, but he also provided local civic leadership as a member of City Council, Hamilton Public Library, Board of Education (1867-84), Public Parks Board, and Wentworth Historical Society. Present-day evidence of his public works contributions include the City's Waterworks, the tree-planting program for City streets, and the purchase of Dundurn Castle by the City in 1899. The Fearman family occupied 90 Stinson Street for a total of sixty-three years until 1926 when Robert S. Hart purchased the premises.

Designated Features

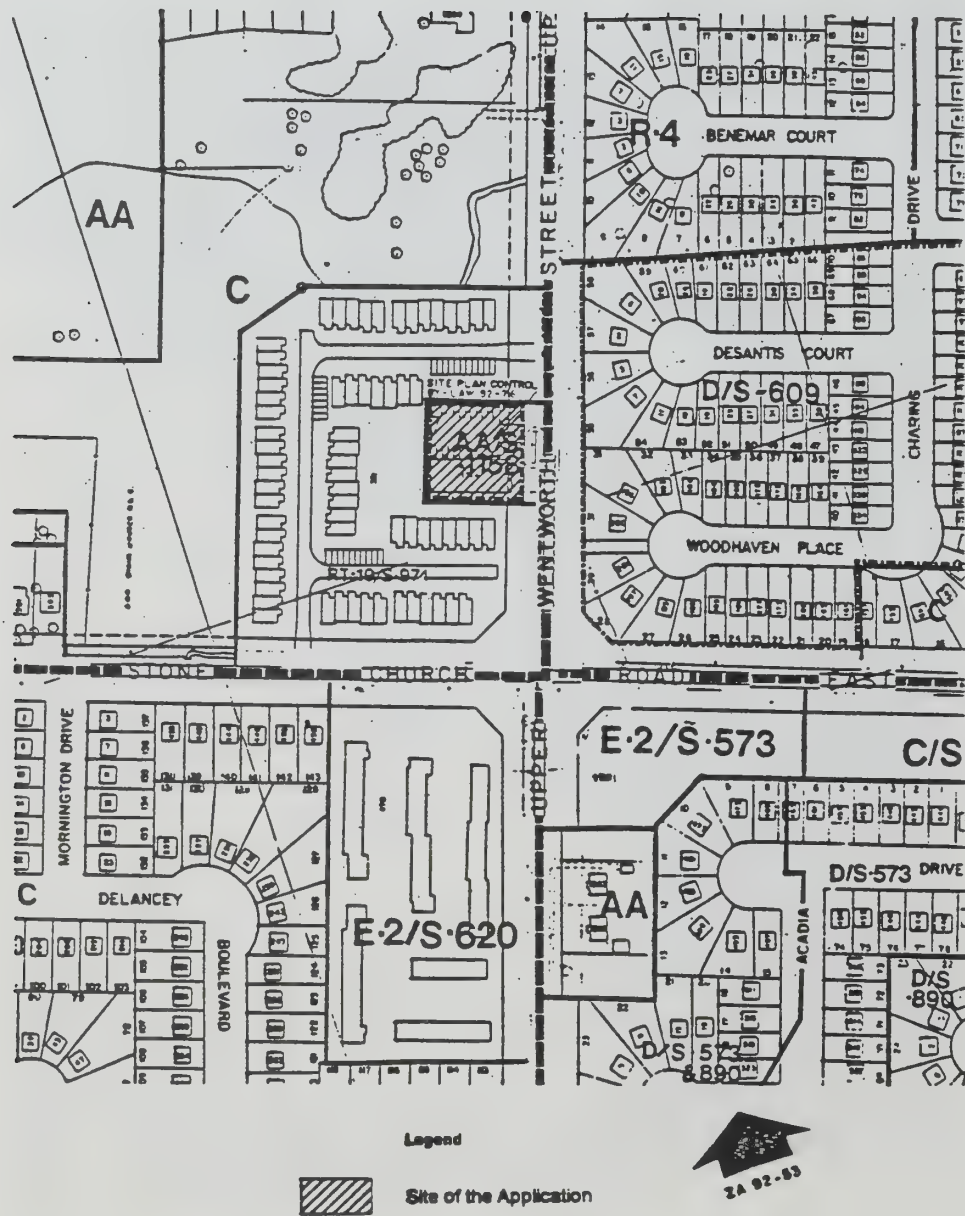
Of importance to the preservation of 90 Stinson Street are the original features of the front (north) facade and the east and west side facades, including but not limited to the stone walls, roof, chimneys and dormers, central tower, original windows including the bay windows and circular trefoil window, original doors, and decorative wood bargeboard and brackets.

Appendix "E" as referred to in Section 14 of the **SIXTH** Report of the Planning and Development Committee for 1993



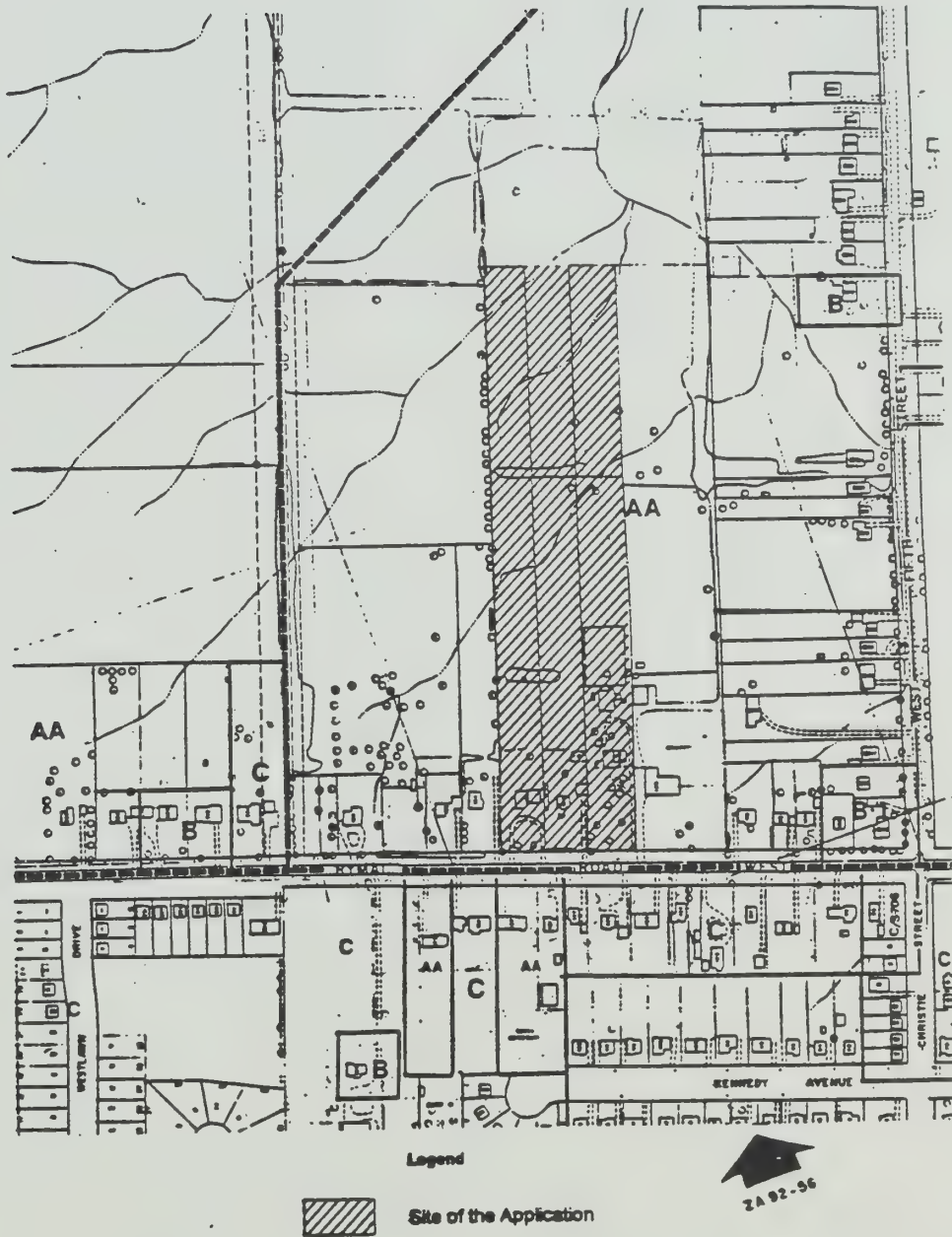
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Appendix "F" as referred to
in Section 15 of the SIXTH
Report of the Planning and
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Appendix "G" as referred to
in Section 16 of the SIXTH
Report of the Planning and
Development Committee for
1993



1993 March 30

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **SIXTH** Report for 1993 and respectfully recommends:

1. That the City exercise its option to extend to 1994 April 30, the purchase order issued to Imperial Oil Limited, Willowdale, for the supply and delivery of Petroleum Products to various locations.
2. That a purchase order be issued to Emille Shoes Ltd., Burlington, to supply and deliver safety boots as and when required during 1993 to Purchasing Stores, being the lowest of eight tenders received in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, and be financed through Purchasing Stores Inventory Account No. CH56103 28999.
3.
 - (a) That approval be given to KNightwatch, a Hamilton District Christian High School student group, to use the forecourt on Thursday, 1993 May 20 from 7:00 - 9:30 o'clock p.m. for a night walk and rally against violence against women and children; and,
 - (b) That the City Clerk be granted the authority to approve of a similar use in future years provided it does not interfere with any other activity.
4.
 - (a) That approval be given to the action taken by the City Clerk in authorizing the Slovak flag to be flown at City Hall on 1993 March 13 and 14 to celebrate the Independence of the Slovak Republic; and,
 - (b) That the City Clerk be authorized to approve of a similar use in future years, provided it does not interfere with any other activity.

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5. (a) That approval be given to the request of the Ontario Command of the Royal Canadian Legion to have a reviewing stand together with canopy and nine chairs erected on the west side of James Street, south of York Street, on Sunday, 1993 May 9, to be in position by 12:00 o'clock noon and removed at approximately 3:15 o'clock p.m. on the occasion of the 38th Biennial Convention parade and opening ceremonies; and,

(b) That the City Clerk be granted the authority to approve of a similar use in future years provided it does not interfere with any other activity.
6. That the City exercise its option to renew the Agreement with Xerox Canada, Hamilton, Ontario for the 9900 and 5090 photocopiers located in the Service Department at an estimated cost of \$9,199.33 per month for the period ending 1995 June 30.
7. (a) That consistent with previous years, an amount of \$2,625.80 be approved for the Hamilton Corporate Challenge to be used towards the cost of entering and sponsoring two (2) teams of Civic employees taking part in the Hamilton Corporate Challenge being organized by the Hamilton and District Chamber of Commerce which will be held on Sunday, 1993 June 13th at Christie Conservation Area; and,

(b) That this expenditure be financed from the Unclassified Account.
8. That the contract settlement between the Heavy Construction Association of Ontario and the United Brotherhood of Carpenters and Joiners of America, Local 18, be received pursuant to the Fair Wage Policy of the City of Hamilton
9. That the listing of Appointments To and Terminations From Permanent positions with the Corporation of the City of Hamilton to 1993 March 18, attached herewith and marked Appendix "A", be approved.

10. (a) That as referred to in Section 14 of the Seventh Report for 1993 of the Parks and Recreation Committee, the gross cost authorized by City Council in March of 1991, for restoration projects at Dundurn Castle and Whitehern, be increased to the revised capital appropriation based upon 1992/93 additional subsidies received from provincial and federal grants according to the following:

<u>Capital Project</u>	<u>Gross Cost Authorized by Council (1991)</u>	<u>Rec'd & Approved Subsidies 1992/93</u>	<u>Revised Authorization Requested</u>
(i) Dundurn Castle Restoration CF 719141002	\$600,000.	\$708,500.	\$1,308,500.
(ii) Cockpit Restoration(Dundurn) CF 719141008	\$260,000.	\$147,500.	\$ 407,500.
(iii) Whitehern Restoration CF 71914007	\$500,000.	\$176,508.	\$ 676,508.

These subsidies, applied for an increase to the scope of needed restoration work, were received based on the formula which accepted the 1991 commitment of City Council; and,

- (b) That the City Treasurer be authorized to review the gross cost of the projects and adjust financing accordingly.

11. That the following fully depreciated Fire Department vehicles be replaced in 1993 and that the estimated replacement cost of \$130,000. be charged to the Reserve for Replacement of Mobile Equipment, Centre No. 00101:

	<u>Vehicle</u>	<u>Description</u>	<u>Estimated Replacement Cost</u>
(a)	1692	Mid-size Car - Fire Prevention Bureau	\$ 18,000.
(b)	1693	Mid-size Car - Fire Prevention Bureau	18,000.
(c)	1695	Mid-size Car - Fire Prevention Bureau	18,000.
(d)	1684	One-ton Pick Up Truck (Supply Truck)	26,000.
(e)	1683	Full-size Emergency Car	25,000.
(f)	1694	Full-size Emergency Car	<u>25,000.</u>
		Total	<u>\$130,000.</u>

12. (a) That the Treasurer be authorized to extend the City of Hamilton's current banking arrangements with the Canadian Imperial Bank of Commerce from the current expiry date of 1993 June 30, to a new expiry date of 1993 October 15; and,
- (b) That the "Proposal Call for Banking Services" be prepared on the basis of a five year period commencing 1993 October 18.
13. For the information of the members of City Council, the Finance and Administration Committee have established an Ad Hoc Sub-Committee comprised of Alderman Drury, Alderman Charters and Alderman Agostino to review the City's Street Vendor's Program.
14. (a) That Market By-law 92-310 be amended to allow for Temporary Stallholder Signage, to be displayed on stalls at the Hamilton Farmers' Market when occupied by daily vendors; and,
- (b) That the City Solicitor be directed to prepare the necessary By-law amendment to adopt such temporary signage.
15. That Regional Council via its Transportation Services Committee be requested to consider allowing the placement of directional signage for the Hamilton Farmers' Market on York Boulevard and on Main Street West at the Highway 403 exits, as a further means of promoting the Hamilton Farmers' Market.

16. That the Canadian Club of Hamilton's Centennial Conference Committee be advised that their proposed commemorative plaque should be erected on the Pigott Building, the location of the original plaque installed in 1913, rather than on City Hall grounds.
17. That the City Clerk advise the Region that the City of Hamilton supports the Regional Municipality of Hamilton-Wentworth's invitation and initiatives to the Ministry of the Environment to locate the Ontario Clean Water Agency in the Greater Hamilton area.
18. That a purchase order be issued to R.M.C. Equipment Ltd., Newmarket, in the amount of \$64,285. including all taxes, for the replacement of one self-contained 15 foot Rotary Mower for Fleet Services, being the lowest acceptable of nine tenders received in accordance with specifications issued by the Manager of Purchasing and Vendor's tender and be financed through Reserve for the Replacement of Mobile Equipment Account No. CH5X503 00101.
19. (a) That Bell Canada be requested to either:
 - (i) Withdraw all charges that currently apply to inhibit "976" calls, or,
 - (ii) Only provide access to 976 services via the use of a Bell Calling Card; and,
- (b) That copies of this resolution be forwarded to the Regional Municipality of Hamilton-Wentworth with a request to give consideration to its endorsement; and,
- (c) That copies of this resolution be forwarded to the Canadian Radio-television and Telecommunications Commission (CRTC), AMO, and all Ontario Municipalities with a population greater than 50,000.

20.
 - (a) The Ontario Court (General Division) No. 92-QC-24385 be resolved by payment to the Plaintiffs, of the sum of \$7,000. in full satisfaction of their claim for damages, interest and costs; and,
 - (b) That the Plaintiffs provide the City with a Full and Final Release in a form satisfactory to the City Solicitor; and,
 - (c) That the above mentioned Action be dismissed without costs; and,
 - (d) That staff review the City's Sewer-Tree Root Policy and report back to the Transport and Environment Committee; and,
 - (e) That the City, through its Chief Administrative Officer and Director of Public Works initiate discussions with the Region, through its Chief Administrative Officer and Commissioner of Transportation/Environmental Services on the condition of the sewer infrastructure and resulting damage.
21.
 - (a) That the City of Hamilton resolve Ontario Court (General Division) Action No. 11461/88 by making an all-inclusive contribution of \$3,300. toward settlement with the Plaintiff; and,
 - (b) That the Plaintiffs be required to sign a Full and Final Release in a form satisfactory to the City Solicitor; and,
 - (c) That the Ontario Court (General Division) Action No. 11461/88 and any and all crossclaims be dismissed without costs.
22.
 - (a) That the City of Hamilton resolve Ontario Court (General Division) Action No. 6049/88 by the payment to the Plaintiff, Claudine Sheppard personally and as Litigation Guardian for Earl and Elizabeth Sheppard and Kenneth Pitre, of the sum of \$2,000. inclusive of all damages, interests and costs; and,
 - (b) That the Plaintiffs be required to provide a Full and Final Release in a form satisfactory to the Law Department; and,
 - (c) That Ontario Court (General Division) Action No. 6049/88 and any and all cross and counter-claims be dismissed without costs.

23. That the City of Hamilton settle Ontario Court (General Division) Action Nos. 13669/88 on the following terms:
- (a) That the City pay to the Plaintiff 617376 Ontario Inc., \$580.50, inclusive of damages, interest and costs; and,
 - (b) That the Plaintiff be required to execute a Full and Final Release of the City of Hamilton in a form satisfactory to the City Solicitor; and,
 - (c) That the Plaintiff's action and all crossclaims be dismissed without costs.
24. (a) That a Sesquicentennial Committee to organize special events for 1996, Hamilton's 150th Birthday, be established; and,
- (b) That this Sesquicentennial Committee be co-chaired by Mr. Milton Lewis, Q.C. and Miss Vincenza Travale; and,
 - (c) That City Councillors on this Committee consist of Alderman W. McCulloch, Alderman D. Ross and Alderman D. Wilson; and,
 - (d) That members of Council and the Co-Chairs work together to establish the Committee so that it is representative of the many special organizations in the City; and,
 - (e) That Mr. D. Missett serve on the Committee as the representative of the Hamilton Historical Board; and,
 - (f) That staff resource persons on this Committee consist of Dennis Carson, Executive Assistant to the Mayor; Marilynn Havelka, Manager of Cultural Services; and Kevin Christenson, City Clerk's Department and Secretary to the Committee.

1993 March 30

25. That leave be granted to introduce the following Bills:

- (a) Bill H-17 A By-law to authorize 1993 Debenture Projects and Amounts.
- (b) Bill H-18 A By-law to amend By-law No. 90-94 to appoint a City Solicitor for the Corporation of the City of Hamilton.
- (c) Bill H-19 A By-law to consolidate Licensing By-law No. 79-323 and amendments thereto.
- (d) Bill H-20 A By-law to confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

RESPECTFULLY SUBMITTED,

**ALDERMAN D. ROSS, CHAIRPERSON
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder
Secretary
1993 March 25**

THE CORPORATION OF THE CITY OF HAMILTON

APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>EMPLOYEE STATUS</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>EFFECTIVE DATE</u>
Ms. Rosa D'Ariano	I	Statistics Clerk (10-E)	Fire	Replacing Ms. J. Dyack -promoted L. Choppick retired June 30/92	\$28,868.84 to \$31,684.38	Feb. 22/93
Mr. Gilbert Desjarlais	I	District Chief (C-11)	Fire	Replacing Mr. H. A. Chalmers - promoted D. Wishart retired November 28/92	\$66,992.60	Feb. 14/93
Ms. Janet Dyack	I	Probationary Fire Communications Operator (N-1B)	Fire	Replacing Ms. L. Rowell transferred Oct. 26/92 L. Choppick retired June 30/92	\$34,234.08	March 08/93
Mr. Charles Guthro	I	Manager, Fleet Services (G)	Public Works	Replacing Mr. G. Kerr - terminated	\$62,178.48 to \$73,286.72	Feb. 15/93

Appendix "A" referred to in Section 9 of the SIXTH Report of the Finance and Administration Committee for 1993.

Prepared March 18/93

THE CORPORATION OF THE CITY OF HAMILTON

APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>EMPLOYEE STATUS</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>EFFECTIVE DATE</u>
Mr. Richard Canfor	I	Forester I (D-10B)	Public Works	Replacing Mr. R. Butttrum - transferred Oct. 26/92 - S. Plante promoted reclass, Council Approved January 18/92	\$38,240.80	March 08/93
Mr. D. Clark	I	District Chief (C-11)	Fire	Replacing Mr. J. Cardwell -promoted - N. FeFadyen retired September 30/92	\$66,992.60	Feb. 14/93
Mr. Steve Clarke	I	Traffic Service Foreman/Woman (13-A)	Traffic	Replacing Mr. D. Di Mascio - terminated	\$33,662.68 to \$40,048.32	Feb. 15/93
Mr. Rick Collins	I	Forester I (D-20B)	Public Works	Replacing Mr. B. Fleming -promoted June 15/92 reclass, Council Approved January 01/92	\$38,240.80	March 08/93

Prepared March 18/93

Employee status

Internal - I

External - E

THE CORPORATION OF THE CITY OF HAMILTON

TERMINATIONS FROM PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON</u>	<u>LENGTH OF SERVICE</u>	<u>EFFECTIVE DATE</u>
Mr. Wayne Murphy	Mtc Utilities Operator	Property	Resigned	9 years	March 05/93
Ms. Dolores Raycraft	Banquet Captain	H.E.C.F.I.	Terminated	7 years, 4 months	Feb. 28/93
Mr. George Binns	Concrete Finisher	Public Works	Terminated **REVISION** to report of Feb. 09/93	5 yrs. 3.5 months	Jan. 04/93

Prepared March 18/93

Glossary of Terms

Terminated - on LTD
 - discharge
 - downsizing
 - redundant

Resigned - personal betterment
 - personal reasons

REPORT OF THE NOMINATING COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Nominating Committee presents its **FIRST** Report for 1993 and respectfully recommends:

1. That Alderman be appointed Chairman of the Committee of the Whole for a three (3) month term commencing April, 1993.

RESPECTFULLY SUBMITTED

**MAYOR R. M. MORROW
CHAIRMAN, NOMINATING COMMITTEE**

J.J. Schatz, Secretary
1993 March 30

**NOTICE OF MOTION
FROM PREVIOUS MEETING**

M O T I O N

At the regular meeting of City Council held 1993 March 9, notice of the following motion was made by Alderman T. Jackson:

"That the Mum Show Committee which is presently a Committee accountable to the Parks Division Staff, become a Sub-Committee of the Parks and Recreation Committee of City Council."

2-10-93

URBAN MUNICIPAL

MAR 29 1993

GOVERNMENT DOCUMENTS

BILLS

CITY COUNCIL

1993 MARCH 30

The Corporation of the City of Hamilton

BY-LAW NO. 93-

To Amend:

Zoning By-law No. 6593
As Amended by Zoning By-law No. 89-163

Respecting:

LAND LOCATED AT MUNICIPAL NO. 10 HEMPSTEAD DRIVE

WHEREAS it is intended to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 89-163 on the 9th day of May 1989, to establish a special requirement under Section 19B of Zoning By-law No. 6593, for the "M-14" District, in respect of the land located at Municipal No. 10 Hempstead Drive, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law came into force on the day it was passed in accordance with Section 34(19) of the Planning Act, 1983, S.O. 1983, c. 1;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 12 of the 5th Report of the Planning and Development Committee at its meeting held on the 9th day of March 1993, recommended that Zoning By-law No. 6593, as amended by By-law No. 89-163, be further amended to establish a special requirement under Section 19B of Zoning By-law No. 6593 in respect of the above-captioned land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" and forming part of this by-law;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "M-14" (Prestige Industrial) District provisions, as contained in Section 17F of Zoning By-law No. 6593, applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirement that,

(a) notwithstanding Section 17F(1)(b) of By-law No. 6593, a motor vehicle repair shop except a paint and autobody repair shop shall be permitted.

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "M-14" District provisions, subject to the special requirement referred to in section 1.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1124a.

4. Sheet No. E-59D of the District Maps is amended by marking the lands referred to in section 1 of By-law No. 89-163 and section 1 of this by-law, S-1124a.

5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this

day of

A.D. 1993.

City Clerk

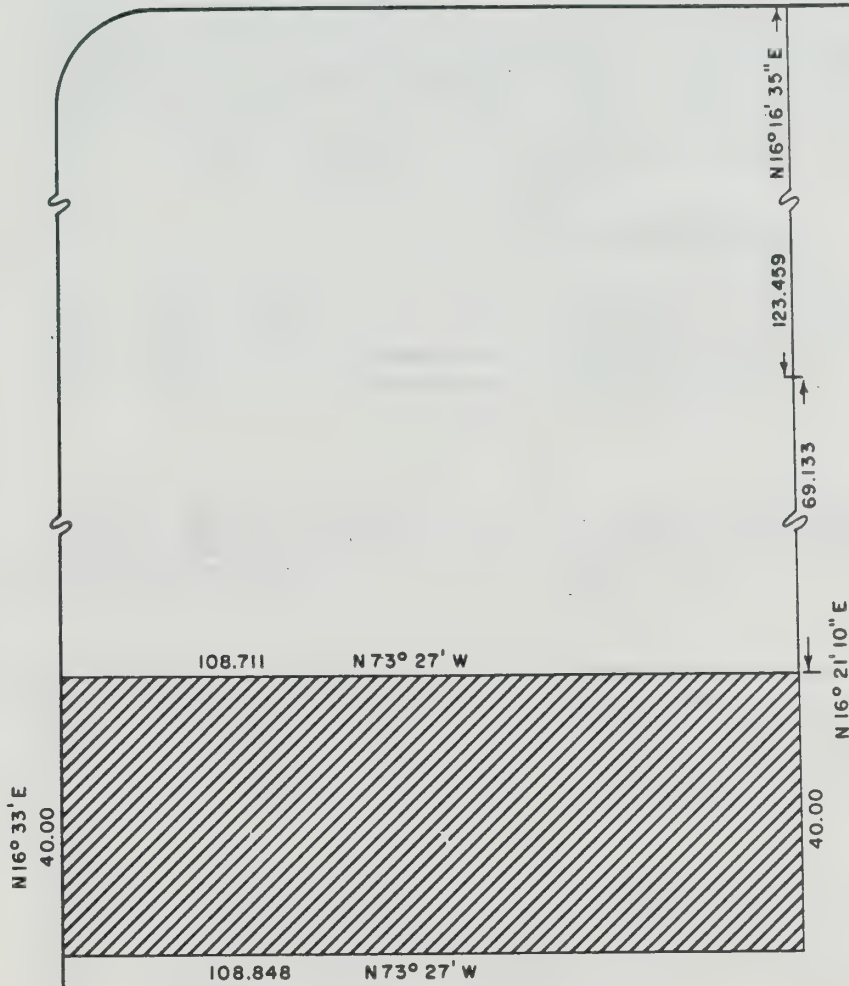
Mayor

(1993) 5 R.P.D.C. 12, March 9
Mr. G. Sebastian Inc., Owner
ZA-92-46

HEMPSTEAD DRIVE

HEMPSTEAD DRIVE

LANCING DRIVE



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 93 -
Passed the day of ,1993.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 93 -

to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Lands to be regulated by
By-Law No. 93 -

North



Scale
NOT TO SCALE

Date
MARCH 1993

Reference File No.
ZA 92-46

Drawn By
Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 93-

To Amend:

Zoning By-law No. 6593
As Amended by By-law No. 92-281

Respecting:

**FRONT YARD PARKING FOR SINGLE AND TWO-FAMILY DWELLINGS
IN RESIDENTIAL DISTRICTS**

WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 92-281 on the 10th day of November 1992 to amend Zoning By-law No. 6593 to provide for a general text amendment to implement the "Housing Intensification Strategy" respecting residential conversion, as adopted by City Council on the 25th day of June 1991;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 14 of the 5th Report of the Planning and Development Committee at its meeting held on the 9th day of March 1993, recommended that Zoning By-law No. 6593, as amended by By-law No. 92-281, be further amended to modify the front yard parking requirements for single and two-family dwellings in residential districts as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. (a) Clause 19(1)(v)(1) of Section 7 of By-law No. 92-281 is deleted and the following substituted therefor:

"it may be located in a required front yard provided that the area for parking, manoeuvring and access driveway shall not occupy more than 50% of the gross area of the front yard;"

(b) Clause 19(2)(vi)(1) of Section 7 of the said by-law is deleted and the following substituted therefor:

"it may be located in a required front yard provided that the area for parking, manoeuvring and access driveway shall not occupy more than 50% of the gross area of the front yard;"

2. (a) Clause 18A.(14a) of Section 8 of the said by-law is deleted and the following substituted therefor:

"Except for single-family dwellings and two-family dwellings erected prior to the 14th day of December 1971, no part of a required parking area in a residential district shall be located in a required front yard and not less than 50% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials."

(b) Clauses 18A.(14b) and 18A.(14b)(i) of Section 8 of the said by-law are deleted and the following substituted therefor:

"For single-family dwellings and two-family dwellings erected prior to the 14th day of December 1971, parking may be provided and maintained in the front yard provided that:

- (i) the area for parking shall not occupy more than 50% of the gross area of the front yard; and,"

3. In all other respects, By-law No. 92-281 is hereby confirmed, unchanged.

4. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1993.

City Clerk

Mayor

(1993) 5 R.P.D.C. 14, March 9
City Initiative 91-G

The Corporation of the City of Hamilton

BY-LAW NO. 93-

To Amend:

Zoning By-law No. 6593

and to Repeal By-laws No. 91-206 and 92-046

Respecting:

**LANDS LOCATED AT THE SOUTH-WEST CORNER OF UPPER SHERMAN AVENUE
AND LIMERIDGE ROAD EAST**

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 91-206 on the 29th day of October 1991 to change the zoning and establish special requirements under Section 19B of Zoning By-law No. 6593, for the "HH" District, in respect of the above-captioned land, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law came into force on the day it was passed in accordance with Section 34(19) of the Planning Act, R.S.O. 1990, Chapter P.13;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 92-046 on the 28th day of January 1992 to amend By-law No. 91-206 to delete a video store as a permitted use in respect of the above-captioned land, which by-law came into force on the day it was passed in accordance with Section 34(19) of the Planning Act, R.S.O. 1990, Chapter P.13;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 13 of the 5th Report of the Planning and Development Committee at its meeting held on the 9th day of March 1993, recommended that Zoning By-law No. 6593 be amended as hereinafter provided and that By-laws No. 91-206 and 92-046 be repealed in their entirety;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-laws No. 91-206 and 92-046 are hereby repealed in their entirety.

2. Sheets No. E-27A and E-27B of the District Maps, appended to and forming part of By-law No. 6593, are amended,

- (a) by changing from "AA" (Agricultural) District to "G-4" (Designed Neighbourhood Shopping Area) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

3. The "G-4" (Designed Neighbourhood Shopping Area) District provisions, as contained in Section 13D of Zoning By-law No. 6593, applicable to the lands referred to in section 1 are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 13D(1)B of By-law No. 6593, a gas bar shall be permitted;
- (b) a landscaped strip not less than 3.0 m in width and a visual barrier not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the entire westerly and southerly lot lines.

4. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "G-4" District provisions, subject to the special requirements referred to in section 3.

5. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1305.

6. Sheets No. E-27A and E-27B of the District Maps are amended by marking the lands referred to in section 2 of this by-law, S-1305.

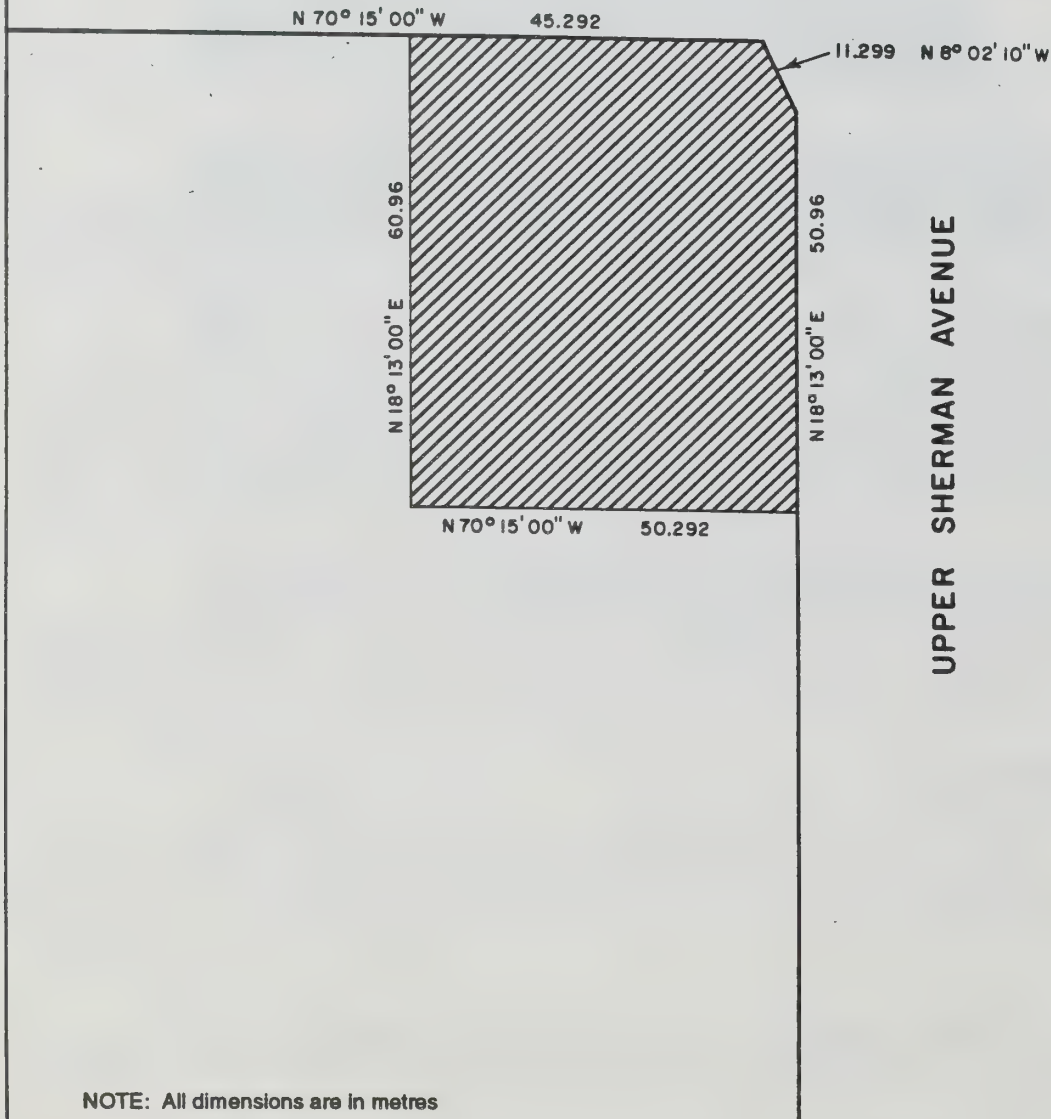
7. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1993.

City Clerk

Mayor

LIMERIDGE ROAD EAST



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 93-.....
Passed the day of, 1993.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 93-.....

to Amend By-Law No. 6593

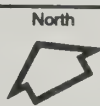
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Change in zoning from:



"AA" (Agricultural) District to "G-4"
(Designed Neighbourhood Shopping
Area) District, modified.



Scale
NOT TO SCALE

Reference File No.
ZA 92 - 50

Date
MARCH 1993

Drawn By
Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 93-

To Amend:

By-law No. 86-73

As Amended by By-laws No. 87-148 and 92-058

Respecting:

**MEMBERS OF THE BOARD OF MANAGEMENT OF
THE BUSINESS IMPROVEMENT AREA GENERALLY BOUNDED BY
KING WILLIAM STREET, MARY STREET, MAIN STREET EAST
AND JAMES STREET NORTH**

WHEREAS By-law No. 86-73, passed on the 11th day of February 1986, continued the Board of Management established by By-law No. 83-71, passed on the 22nd day of February 1983, of the Improvement Area designated by By-law No. 82-151, passed on the 29th day of June 1982, known as the "Downtown Promenade Business Improvement Area", more particularly described in By-law No. 82-151, all in accordance with subsections 217(1) and 217(6) of the Municipal Act, R.S.O. 1980, Chapter 302;

AND WHEREAS By-law No. 87-148, passed on the 12th day of May 1987 amended Schedule "B" of By-law No. 86-73 to appoint a new member to the Board of Management;

AND WHEREAS By-law No. 92-058, passed on the 11th day of February 1992 repealed and replaced Schedule "B" of By-law No. 86-98 to appoint new members to the Board of Management;

AND WHEREAS the Council of The Corporation of the City of Hamilton in adopting Item 6 of the 5th Report of the Planning and Development Committee at its meeting held on the 9th day of March 1993, directed that the composition of the Board of Management be further amended, in accordance with the provisions of Section 220 of the Municipal Act, R.S.O. 1990, as hereinafter provided;

AND WHEREAS it is intended to further vary the composition of the Board of Management.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. (a) Schedule "B" referred to in clause 2(b) of By-law No. 86-73, as amended, is further amended by deleting the following names:

Marcel Mongeon	Royal Connaught Hotel
Greg Gouthreau	Hamilton Holiday Inn
Al Spadero	Central Guaranty Trust

(b) Schedule "B" referred to in clause 2(b) of By-law No. 86-73, as amended, is further amended by adding the following name:

Jean Edwards	Hamilton Holiday Inn
--------------	----------------------

2. In all other respects, By-law No. 86-73, as amended, is hereby confirmed, unchanged.

PASSED this day of A.D. 1993.

City Clerk

Mayor

(1993) 5 R.P.D.C. 6, March 9

The Corporation of the City of Hamilton

BY-LAW NO. 93-

To Amend:

By-law No. 86-98
As Amended by By-law No. 92-074

Respecting:

**MEMBERS OF THE BOARD OF MANAGEMENT OF
THE WESTDALE BUSINESS IMPROVEMENT AREA**

WHEREAS By-law No. 86-98, passed on the 11th day of March 1986, provided for a Board of Management of the Improvement Area designated by By-law No. 86-30, passed on the 10th day of December 1985, known as the "Westdale Business Improvement Area", more particularly described in By-law No. 86-30, all in accordance with subsections 217(1) and 217(6) of the Municipal Act, R.S.O. 1980, Chapter 302;

AND WHEREAS By-law No. 92-074, passed on the 10th day of March 1992 repealed and replaced Schedule "B" of By-law No. 86-98 to appoint new members to the Board of Management;

AND WHEREAS the Council of The Corporation of the City of Hamilton in adopting Item 4 of the 5th Report of the Planning and Development Committee at its meeting held on the 9th day of March 1993, directed that the composition of the Board of Management be further amended, in accordance with the provisions of Section 220 of the Municipal Act, R.S.O. 1990, as hereinafter provided;

AND WHEREAS it is intended to further vary the composition of the Board of Management.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. (a) Schedule "B" referred to in clause 2(b) of By-law No. 86-98, as amended, is further amended by deleting the following names:

Cathy Young	Westdale Food Shoppe
Pat Hubbard	Copies Plus
Cynthia Dika	The Colour Studio
Adam Yoo	Grandma Lees

(b) Schedule "B" referred to in clause 2(b) of By-law No. 86-98, as amended, is further amended by adding the following names:

Bob Basadur	Cottonwood
Dan Upsdell	Oddities

2. In all other respects, By-law No. 86-98, as amended, is hereby confirmed, unchanged.

PASSED this day of A.D. 1993.

City Clerk

Mayor

(1993) 5 R.P.D.C. 4, March 9

The Corporation of the City of Hamilton

BY-LAW NO. 93-

To Authorize

1993 DEBENTURE PROJECTS AND AMOUNTS

WHEREAS Ontario Regulation 710/92 enacted under the authority of the Municipal Act, R.S.O. 1990, Chapter M.45, establishes a limit for a municipality's debt obligations which do not require the approval of the Ontario Municipal Board;

AND WHEREAS the Council of The Corporation of the City of Hamilton in adopting Item 1 of the Second Report of the Committee of the Whole on January 29, 1993 authorized the projects appearing in Schedule "A" to this By-law;

AND WHEREAS the financial commitments, liabilities and debt charges of the projects listed in Schedule "A" and The Corporation of the City of Hamilton's other debts and debt charges will not exceed the City's debt limit as specified by the Municipal Act and Regulation 710/92;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. The projects listed in Schedule "A" attach to and form part of this By-law and are hereby approved.
2. The City Treasurer is authorized to arrange the issuance of the necessary debentures to a maximum of \$5,103,000.00 for a term not to exceed twenty years by The Regional Municipality of Hamilton-Wentworth and chargeable to the City.
3. The proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all such things necessary to give effect to this By-law.

PASSED this day of , 1993.

City Clerk

Mayor

SCHEDULE "A" TO BY-LAW 93-

<u>Project</u>	<u>Gross Cost</u>	<u>Receipts & Subsidies</u>	<u>Debenture Amount</u>	<u>Term of Debenture</u>
1) Major Maintenance to Civic Buildings	\$ 350,000	--	\$ 350,000	20 years
2) 1993 Roadways and Sidewalks Reconstruction Program - Local Roads	<u>\$7,000,000</u>	<u>\$2,247,000</u>	<u>\$4,753,000</u>	20 years
	<u>\$7,350,000</u>	<u>\$2,247,000</u>	<u>\$5,103,000</u>	

The Corporation of City of Hamilton

BY-LAW NO. 93-

**To Amend:
By-law No. 90-94**

**To Appoint a City Solicitor
For the Corporation of the City of Hamilton**

WHEREAS the Council of the Corporation of the City of Hamilton passed By-law No. 90-94 on the 12th day of March 1990 to appoint P. Noé Johnson as City Solicitor for The Corporation of the City of Hamilton, and

WHEREAS the Council of The Corporation of the City of Hamilton in adopting item 23 of the twenty third Report of the Finance and Administration Committee at its meeting held on the 24th day of November 1992 renewed the appointment of P. Noé Johnson as City Solicitor for a five year period commencing March 13, 1993.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts that By-law No. 90 - 94 is amended by deleting sections 2(a) and 2 (b) and substituting the following:

"2. (a) shall be appointment as *City Solicitor* effective commencing on March 13, 1993 for a term of five years."

PASSED this

day of

A.D.1993.

CITY CLERK

MAYOR

(1992) 23 R.F.A.C. 23, November 24

The Corporation of the City of Hamilton

BY-LAW NO. 93 -

A By-law to Consolidate

Licensing By-law No. 79-323 and amendments thereto;

This Bill has not been printed because of its length but can be perused in the Office of the City Clerk.

BY-LAW NO. 93 -

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 30TH DAY OF MARCH A.D., 1993.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 30th day of March A.D. 1993

CITY CLERK

MAYOR

URBAN/MUNICIPAL

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GOVERNMENT DOCUMENTS

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**Tuesday, 1993 April 13
7:30 o'clock p.m.
Council Chambers, City Hall**

**J. J. Schatz
City Clerk**

AGENDA

1. National Anthem

2. Opening Prayer

*Reverend Alan Craig
Living Rock*

3. Certificate of Recognition

*Mr. George Love, President, Barn Fruit Markets Inc. and its parent company G. A.
Love Foods Inc.*

4. Minutes

(a) 1993 March 30

(b) 1993 April 8 - Special Meeting

5. *Petitions and Correspondence*
6. *Reports of the Standing Committees*
 - (a) *Transport and Environment Committee*
 - (c) *Planning and Development Committee*
 - (h) *Finance and Administration Committee*
7. *Notices of Motion for Next Meeting*
8. *First Reading of the Bills*
9. *Second Reading of the Bills - Committee of the Whole*
10. *Third Reading of the Bills*
11. *Question Period*
12. *Adjournment.*

MINUTES

Minutes of Hamilton City Council
1993 March 30
7:30 o'clock p.m.
Council Chambers, City Hall

The Council met:

Present: Mayor Robert M. Morrow
Aldermen Cooke, Kiss, McCulloch, Morelli, Copps, Wilson, Agostino,
Eisenberger, Charters, Jackson, Merling, Anderson, Ross, D'Amico.

Absent: Alderman V. Agro - civic business
Alderman D. Drury - civic business

Mayor R. M. Morrow called the meeting to order.

* * * * *

The National Anthem was played.

* * * * *

Pastor Peter Hoytema, Fellowship Christian Reformed Church led Council in the Lord's Prayer.

* * * * *

Mayor R. M. Morrow proclaimed April 19 - 25, 1993 as Parkinson Disease Awareness Week.

* * * * *

Mayor R. M. Morrow called upon Mrs. Crawford to receive a presentation for winning the "LOGO" Contest, Hamilton Senior Citizens Council.

* * * * *

The minutes of the Regular meeting of 1993 March 9 and the minutes of the Special meeting of 1993 March 26 were adopted as circulated.

CORRESPONDENCE

1. Letter dated March 10, 1993 from Gary Rousseau, Ancaster, Ontario for an Official Plan Amendment for a redesignation from "Open Space" to "Industrial" and a change in zoning from "AA" (Agricultural) District to "M-14" (Prestige Industrial) District, for lands located at the rear of 406 Pritchard Road, Hamilton, Ontario.

Received.

2. Letter dated March 10, 1993 from Rolanco Networking, Hamilton, Ontario for the removal of the "H" Holding provision from the "C" (Urban Protected Residential, etc.) District, modified for property located at No. 860 Upper Wentworth Street, Hamilton, Ontario.

Received.

3. Letter dated March 10, 1993 from J. J. Schatz, City Clerk advising of objections to By-law 93-034 respecting property at 625 and 635 Concession Street.

Received.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss that the Reports of the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, and the Nominating Committee be now considered in Committee of the Whole with Alderman Charters in the Chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, McCulloch, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross.
-15.

NAYS: -0.

CARRIED.

PARKS AND RECREATION COMMITTEE - SEVENTH REPORT

Section 7 (c) & (d) Re: Approval for Regional Municipality of Hamilton-Wentworth to use Pier-4 Park and Eastwood Park to host "Greater Hamilton Aquafest"

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, McCulloch, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Merling, Anderson, D'Amico, Ross. -14.

NAYS: Alderman Jackson -1.

CARRIED.

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Section 10 (b) Re: Gourley Park Community Association - Special Occasion Permit

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Merling, Anderson, D'Amico, Ross. -14.

NAYS: Alderman Jackson. -1.

CARRIED.

PLANNING AND DEVELOPMENT COMMITTEE - SIXTH REPORT

FINANCE AND ADMINISTRATION COMMITTEE - SIXTH REPORT

Section 11 Re: Replacement of Fire Department Vehicles

It was moved by Alderman Ross and seconded by Alderman D'Amico that

- (a) That sub-sections (a) (b) (c) and (f) of Section 11 of the Sixth Report for 1993 of the Finance and Administration Committee respecting the replacement of Fire Department vehicles be deleted; and,
- (b) That the total estimated replacement cost of these vehicles be amended to read \$51,000. as a result of the above-noted deletions. **CARRIED.**

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Section 19 Re: "976" Bell Services

It was moved by Alderman Ross and seconded by Alderman Wilson that Section 19 of the Sixth Report for 1993 of the Finance and Administration Committee be amended by deleting the words "Bell Canada" in Sub-section (a) and substituting in lieu thereof the words "the CRTC". **CARRIED.**

**NOMINATING COMMITTEE - FIRST REPORT
RE: TO APPOINT COMMITTEE OF THE WHOLE CHAIRMAN**

ACTING MAYOR FOR THE MONTH OF APRIL

It was moved by Alderman Cooke and seconded by Alderman Kiss that Alderman B. Morelli be appointed the Acting Mayor for the month of April, 1993.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss that the Report of the Committee of the Whole on the Reports of the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, and the Nominating Committee, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, McCulloch, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -15.

NAYS: -0.

CARRIED.

<p>NOTICE OF MOTION FROM PREVIOUS MEETING</p>
--

It was moved by Alderman Jackson and seconded by Alderman Kiss

That the Mum Show Committee which is presently a Committee accountable to the Parks Division Staff, become a Sub-Committee of the Parks and Recreation Committee of City Council.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, McCulloch, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico. -14.

NAYS: Alderman Ross. -1.

CARRIED.

ADOPTION OF BILLS

It was moved by Alderman Cooke and seconded by Alderman Kiss that the following Bills be now read a first time:

C-26, C-27, C-28, C-28, C-30.
H-17, H-18, H-19, H-20.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, McCulloch, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross.
-15.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss that Council move into Committee of the Whole to consider the following Bills, with Alderman Charters in the chair. (second reading).

C-26, C-27, C-28, C-28, C-30.
H-17, H-18, H-19, H-20.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, McCulloch, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross.
-15.

NAYS: -0.

CARRIED.

* * * * *

Consideration of the Bills (second reading).

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss that the Report of the Committee of the Whole on the following Bills, be adopted. -

C-26, C-27, C-28, C-28, C-30.
H-17, H-18, H-19, H-20.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, McCulloch, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. - 15.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss that the following Bills, be now read a third time, signed, sealed and enrolled as By-laws:

C-26, C-27, C-28, C-28, C-30.
H-17, H-18, H-19, H-20.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, McCulloch, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. - 15.

NAYS: -0.

CARRIED.

1993 March 30

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City Council then adjourned at 8:10 o'clock p.m.

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Taken as read and approved.

Mayor R. M. Morrow

J. J. Schatz, City Clerk
1993 March 30

Minutes of the Special Meeting of Hamilton City Council
Thursday, 1993 April 8
11:30 o'clock a.m.
Room 233, City Hall

The Council met:

Present: Mayor Robert M. Morrow
Aldermen Cooke, Kiss, Agro, Copps, Wilson, Agostino, Eisenberger, Charters,
Jackson, Anderson, Ross, D'Amico.

Absent: Alderman W. McCulloch - civic business
Alderman D. Drury - vacation
Alderman B. Morelli - civic business
Alderman H. Merling - civic business

It was moved by Alderman Cooke and seconded by Alderman Ross that Section 2 (4) of the City's Procedural By-law 82-203 requiring written notice of a Special Meeting by the City Clerk be invoked for this meeting of City Council in order to consider an amendment to the Licensing By-law respecting Transient Vendors. **CARRIED.**

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Ross that Council move into Committee of the Whole to consider the Seventh Report of the Finance and Administration Committee with Mayor Morrow in the Chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Copps, Wilson, Agostino,
Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -13.

NAYS: -0. **CARRIED.**

* * * * *

FINANCE AND ADMINISTRATION COMMITTEE - SEVENTH REPORT

Re: An Amendment to the Licensing By-law respecting Transient Vendors

It was moved by Alderman Cooke and seconded by Alderman Ross that the Report of the Finance and Administration Committee, be now considered in Committee of the Whole with Mayor Morrow in the Chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -13.

NAYS: -0.

CARRIED.

ADOPTION OF BILLS

It was moved by Alderman Cooke and seconded by Alderman Ross that the following Bills be now read a first time.

H-21, H-22.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -13.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Ross that the following Bills be now considered in Committee of the Whole with Mayor Morrow in the chair.

H-21, H-22.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -13.

NAYS: -0.

CARRIED.

* * * * *

Consideration of the Bill (Second Reading).

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Ross that the Report of the Committee of the Whole on the following Bills be adopted.

H-21, H-22.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -13.

NAYS: -0.

CARRIED.

* * * * *

1993 April 8

It was moved by Alderman Cooke and seconded by Alderman Ross that the following Bills be now read a third time, signed, sealed and enrolled as a By-law.

H-21, H-22.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -13.

NAYS: -0.

CARRIED.

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The meeting adjourned at 11:40 o'clock a.m.

Taken as read and approved.

Mayor R. M. Morrow

J. J. Schatz, City Clerk
1993 April 8.

C O R R E S P O N D E N C E

Correspondence:

1. Letter dated 1993 March 31 from Robert Leggat, Burlington, Ontario for a change in zoning from "AA" (Agricultural) District to "DE-2" (Multiple Dwellings) District for lands located at the North-West corner of Upper Gage Avenue and Limeridge Road East, Hamilton, Ontario.

Recommendation: Be Received.

2. Letter dated 1993 April 5 from Messrs. Frank Toth and Tony DiFranco and Mr. Angelo Cocca, Hamilton, Ontario for a change in zoning from "AA" (Agricultural) District to "B-2" (Suburban Residential) District modified (Block "1") and "C" (Urban Protected Residential, etc.) District (Block "2"), for properties at the rear of Nos. 478 and 488 Rymal Road East, Hamilton, Ontario.

Recommendation: Be Received.

1993 April 13

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Transport and Environment Committee presents its **FOURTH** Report for 1993 and respectfully recommends:

1. (a) That the existing "One Hour Metered Parking" regulation on the west side of Kensington Avenue North commencing at Main Street East and extending to a point 116 feet northerly therefrom be replaced with a "Two Hour Metered Parking" regulation; and
(b) That the City Traffic By-law No. 89-72 be amended accordingly.
2. (a) That a "Permit Parking" regulation be implemented on the west side of Devonport Street commencing at a point 128 feet south of York Boulevard and extending to a point 17 feet southerly therefrom; and
(b) That the Director of Traffic Services be authorized to issue one parking permit to Mr. Owczarek, No. 31 Devonport Street; and
(c) That the City Traffic By-law No. 89-72 be amended accordingly.
3. (a) That a "Permit Parking" regulation be implemented on the west side of Garfield Avenue North commencing at a point 205 feet north of King Street East and extending to a point 20 feet northerly therefrom; and
(b) That the Director of Traffic Services be authorized to issue one parking permit to Mr. Giovanni Bartolomeo, No. 17 Garfield Avenue North; and
(c) That the City Traffic By-law No. 89-72 be amended accordingly.

1993 April 13

4. (a) That a "Permit Parking" regulation be implemented on the east side of Locke Street North commencing at a point 103 feet north of York Boulevard and extending to a point 19 feet northerly therefrom; and
(b) That the Director of Traffic Services be authorized to issue one parking permit to Jennifer Wootten, No. 152 Locke Street North, and
(c) That the City Traffic By-law No. 89-72 be amended accordingly.
5. (a) That a "No Stopping, Wheelchair Loading Only, 8:00 a.m. to 6:00 p.m., 7 days a week" regulation be implemented on the east side of Glamis Court commencing at a point 233 feet south of Gemini Drive and extending to a point 22 feet southerly therefrom; and
(b) That the City Traffic By-law No. 89-72 be amended accordingly.
6. (a) That a "No Stopping, Wheelchair Loading Only, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation be implemented on the north side of Jackson Street West commencing at a point 94 feet east of Hess Street South and extending to a point 30 feet easterly therefrom; and
(b) That the City Traffic By-law No. 89-72 be amended accordingly.
7. (a) That a "No Stopping, Wheelchair Loading Only, 8:00 a.m. to 11:00 p.m., 7 days a week" regulation be implemented on the west side of Wood Street West commencing at a point 100 feet south of Burlington Street West and extending to a point 25 feet southerly therefrom; and
(b) That the City Traffic By-law No. 89-72 be amended accordingly.
8. (a) That a "No Stopping, Wheelchair Loading Only, 7:00 a.m. to 6:00 p.m., Monday to Friday" regulation be implemented on the east side of Barons Avenue North commencing at a point 190 feet north of Main Street East and extending to a point 18 feet northerly therefrom; and
(b) That the City Traffic By-law No. 89-72 be amended accordingly.

9. (a) That a "No Parking" regulation be implemented on the east side of Quinn Avenue, commencing at Queen Victoria Drive and extending to a point 119 feet southerly therefrom; and
(b) That the City Traffic By-law No. 89-72 be amended accordingly.
10. (a) That the existing "No Stopping" regulation on the east side of David Avenue commencing at Fennell Avenue East and extending to a point 124 feet southerly therefrom be changed to a "No Parking" regulation; and
(b) That the City Traffic By-law No. 89-72 be amended accordingly.
11. (a) That the existing "No Stopping" regulation on the west side of Park Street South which commences at Bold Street and extends to a point 72 feet northerly, be lengthened, such that the regulation commences at Bold Street and extends to a point 92 feet northerly therefrom; and
(b) That the City Traffic By-law No. 89-72 be amended accordingly.
12. (a) That a "Taxi Stand, 7:00 a.m. to 6:00 p.m., Monday to Friday" regulation be implemented on the west side of Currie Street commencing at a point 76 feet south of the south curb line of DuBarry Boulevard and extending 60 feet southerly; and
(b) That the City Traffic By-law No. 89-72 be amended accordingly.
13. (a) That in accordance with the request by the Hamilton Street Railway Company:
 - i. the following bus stop be relocated:
Route 5 Delaware

Westbound - Whitney Avenue, north side, from 59 feet east of the east curb line of Mericourt Road (N/S) to, Whitney Avenue, north side, 81 feet west of the west curb line of Mericourt Road (F/S); and
 - ii. the following bus stop be removed:
Route 5 Delaware

Westbound - Whitney Avenue, north side, 222 feet west of the west curb line of Mericourt Road (M/B); and
- (b) That the City Traffic By-law No. 89-72 be amended accordingly.

14. That City Council go on record as supporting the Environmental Policy and Code of Ethics of the Transportation Association of Canada attached hereto as Appendix "A".
15. (a) That the applications to retain inadvertent encroachments at the following locations be approved during the pleasure of City Council:

	Location	Type of Encroachment	First Year/ Annual	File Number
i.	46 Lochearne Street	concrete veranda and steps measuring 2.41 ft. x 12.5 ft.	\$131./20.	T103-50 (1043)
ii.	169 Gibson Avenue	portion of garage measuring 3.93 ft. x 3.93 ft. onto assumed alleyway	\$131./20.	T103-50 (1044)
iii.	185 Emerald Street South	portion of concrete stoop and stairs measuring 4.35 ft. x 7.30 ft.	\$131./20.	T103-50 (1045)

- (b) That the owners enter into agreements satisfactory to the Commissioner of Transportation/Environmental Services to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss.
- (c) That the Mayor and City Clerk be authorized to sign and execute all necessary documents to implement the agreements.
- (d) That the first year fees and subsequent annual fees as noted in Sub-section (a) above be set for the encroachments.

1993 April 13

16. (a) That the submitted schedules of works be adopted for inclusion in the Subdivision Agreement with the Owners for the estimated costs of services in;

" CLAUDETTE GARDENS - PHASE 3 ", Hamilton

City's Share \$ NIL

Subdivider's Share \$71,766.42

- (b) That the Mayor and City Clerk be authorized and directed to execute the proposed Subdivision Agreement with the Owners of "Claudette Gardens - Phase 3", Hamilton and any other related documents for this Subdivision subject to the approval of the City Solicitor.
- (c) That approval of the above-noted clauses be subject to the condition that no work be commenced until the Final Plan and Subdivision Agreement have been registered.
- (d) In the event that the owners wish to proceed prior to the registration of the Final Plan and Subdivision Agreement being registered they should be allowed to do so at their own risk provided that they enter into a standard agreement with the City of Hamilton for pre-servicing.
17. (a) That the following City lands be incorporated into the street in order to complete the final street width or provide access to newly registered subdivision developments:

Greenhill Avenue	Part 7	Plan 62R-5638
Balharbour Drive	Parts 3, 4 and 5	Plan 62R-8979
Sparling Avenue	Block 45	Plan 62M-688
Westlawn Drive	Block 46	Plan 62M-688
Public Walkway	Part 2	Plan 62R-12480

- (b) That the by-laws to carry out the incorporation of the said lands into the foregoing streets be enacted by City Council.
- (c) That the Commissioner of Transportation/Environmental Services be authorized and directed to register the by-laws.

1993 April 13

18. (a) That the Encroachment Agreement for 77 James Street North, registered as Instrument No. 94586 C.D., be discharged;
- (b) That the Mayor and City Clerk be authorized and directed to execute the discharge documents for the Encroachment Agreement, registered as Instrument No. 94586 C.D., in a form satisfactory to the City Solicitor.
19. (a) That the City's "Flat Rate Fee" to be applied to outstanding City of Hamilton municipal servicing costs along "0.3" metre Reserves, be adjusted from the present rate of \$325. per metre frontage and/or flankage to \$290. per metre frontage and/or flankage for 1993.
- (b) That the revised "Flat Rate Fee" be applied to all costs recovered in 1993 along 0.3 metre Reserves after the adoption of the proposed rate.
20. (a) That the submitted schedules of works be adopted for inclusion in the Subdivision Agreement with the Owners for the estimated costs of services in;

" RYMAL SQUARE ESTATES - PHASE 4 ", Hamilton

City's Share \$35,989.72 Subdivider's Share \$294,976.96

- (b) That the Mayor and City Clerk be authorized and directed to execute the proposed Subdivision Agreement with the Owners of "Rymal Square Estates - Phase 4", Hamilton and any other related documents for this Subdivision subject to the approval of the City Solicitor.
- (c) That approval of the above-noted clauses be subject to the condition that no work be commenced until the Final Plan and Subdivision Agreement have been registered.
- (d) In the event that the owners wish to proceed prior to the registration of the Final Plan and Subdivision Agreement being registered they should be allowed to do so at their own risk provided that they enter into a standard agreement with the City of Hamilton for pre-servicing.
- (e) That the City's share for the costs of services in "Rymal Square Estates - Phase 4" (\$35,989.72) be approved and the Finance and Administration Committee recommend the source of funding for this project.

21. That the City Treasurer be directed to close the following Capital Project accounts with any excess funding to be transferred to its original source of financing:

Capital Centre Number	Project Description	Authorized Gross Cost	Expended/Committed To Date	Balance Available	Source Of Financing
a) 609143007	Lighting Conversion	1,102,000.	1,102,000.	0.00	Reserve Cap. Proj./ Deb. Sinking Fund
TOTAL		1,102,000.	1,102,000.	0.00	

22. That the City Treasurer be directed to close the following Capital Project accounts with any excess funding to be transferred to its original source of financing:

Capital Centre Number	Project Description	Authorized Gross Cost	Expended/Committed To Date	Balance Available	Source Of Financing
a) 649151010	Shop Equipment	39,000.00	35,511.75	3,488.25	Reserve Cap Proj.
TOTAL		39,000.00	35,511.75	3,488.25	

23. (a) That an Option to Purchase, duly executed by Gustav Turnewitsch on 1993 March 12, and scheduled for closing on or before 1993 June 16, for the purchase by the City of a parcel of land being composed of part of Lot 7, Concession 8, formerly in the Township of Barton, now in the City of Hamilton, containing 229.29 square metres (0.056 acres) more or less, shown as Parts 8 and 9 on Plan 62R-9927, be approved and completed, and the purchase price of \$6,800. be charged to Account No. CH5X323 00107 (Services Through Unsubdivided Lands). Subject land is required for the extension of Eaglewood Drive.
- (b) That it is understood and agreed that all costs (including land and construction costs) for the establishment of this extension of Eaglewood Drive will be charged against the One Foot Reserve and recovered at the time of development of the abutting land in accordance with municipal subdivision policies in effect at the time of development.

1993 April 13

24. (a) That an Offer to Purchase, duly executed by Elio Bachetti on 1993 March 19 and scheduled to close within thirty (30) days of completion of the conditions as set out in the Agreement, but in any event no later than 1995 March 22, for the sale of part of Eleanor Avenue, Registered Plan 853, designated as Parts 5 and 6 on Reference Plan 62R-12366, more particularly described as having a width of 20.116 metres (65.997 feet) more or less, and a length of 27.204 metres (89.251 feet) more or less, and comprising a total area of 547.2 square metres (5,890.204 square feet) more or less, together with part of Lot 8, Concession 8, in the geographic Township of Barton, designated as Part 1, Reference Plan 62R-12366, being a triangular portion of Eleanor Avenue, having a frontage along the northerly limit of Rymal road East of 12.192 metres (40.0 feet) more or less, by a depth of 12.192 metres (40.0 feet) more or less, and comprising a total area of 74.3 square metres (799.785 square feet) more or less, be approved and completed, and the funds derived from this sale of \$4. be credited to Account No. CF5698 528946005 (City Share of Services).
- (b) That the City's deed to the Purchaser be subject to an easement in favour of Union Gas over Part 6, Plan 62R-12366.

Regarding such easement(s), the Purchaser acknowledges and agrees:

- i. That the Purchaser is required at his expense to enter into an Easement Agreement with and satisfactory to each Utility in order that such easement shall be registered before the closing of this sale to the Purchaser or registered as required by the Utility;
- ii. That within the said highway being closed and sold to the Purchaser are (or, are intended to be) installed the property of the Utility which neither the City nor the Utility shall be obliged to remove from the said closed highway to accommodate the Purchaser's development or use of the closed highway;
- iii. That the Easement Agreement with the Utility may prohibit the Purchaser's construction of buildings or structures on or beneath the said land and will provide access to the Utility upon the said land for the purpose of operating, maintaining, replacing, or installing such services or other equipment the Utility requires;

The above requirements of the City may only be waived by the City.

1993 April 13

- (c) That it be understood and agreed that the closing of this Offer to Purchase is subject to the City of Hamilton accepting and closing an Option to Purchase executed by Elio Bachetti for the purchase of a portion of the property located at 727 Rymal Road East, being rear land and designated as Parts 7 and 8 on Reference Plan 62R-12366, by the City. The said Option to Purchase and this Offer to Purchase are to be accepted by City Council concurrently and both properties are to be finalized contemporaneously with each other.
- (d) That the closing of this sale to Elio Bachetti be conditional upon the closing of the sale to the City of Hamilton by Elio Bachetti provided for in the Option to Purchase referred to above.
- (e) That it be understood and agreed that the closing of this Offer to Purchase is conditional upon the City of Hamilton, its contractors or assigns completing the following works to the City's sole satisfaction:
 - i. The removal of the asphalt road covering of the closed portions of Eleanor Avenue and portions of Rymal Road East, being Parts 2, 3, 5 and 6 and Parts 1 and 4 respectively on Plan 62R-12366, and the replacement of said asphalt with topsoil and sod.
 - ii. The removal and restoration of the private driveway belonging to municipal address 741 Rymal Road East and its replacement to Alma Avenue together with all associated works.
 - iii. The removal, restoration and replacement of the private water services currently servicing municipal address 727 and 741 Rymal Road East.
- (f) That the Mayor and City Clerk be authorized and directed to execute the necessary documents.

25. (a) That an Option to Purchase Agreement by the City, duly executed by the owner, Elio Bachetti, on 1993 March 19, and scheduled to close within thirty (30) days of the completion of the conditions as set out in the Agreement, but in any event no later than 1995 April 22, for the purchase of those lands described as part of Lot 8, Concession 8, in the geographic Township of Barton, designated as Parts 7 and 8 on Reference Plan 62R-12366, having a frontage along the westerly limit of Eleanor Avenue of 22.098 metres (72.5 feet) more or less, by a depth of 27.432 metres (90.0 feet) more or less, and comprising a total area of 606.5 square metres (6,528.52 square feet) more or less, being a portion of the rear land of municipal address 727 Rymal Road East, be approved and completed, and the purchase price of \$4. be charged to Account No. CF5698 528946005 (City Share of Services).
- (b) That it is understood and agreed that the closing of this Option to Purchase is subject to the City of Hamilton accepting and completing an Offer to Purchase executed by Elio Bachetti for the closed portion of Eleanor Avenue and a portion of Rymal Road East, more particularly described as Parts 1, 5 and 6, Reference Plan 62R-12366. Said Part 6, Reference Plan 62R-12366, is being sold subject to an easement in favour of Union Gas. The said Offer to Purchase and this Option to Purchase are to be accepted by City Council concurrently and both properties are to be finalized contemporaneously with each other.
- (c) That the closing of this purchase by the City be conditional upon the closing of the sale to Elio Bachetti provided for in the Offer to Purchase referred to above.
- (d) That the Mayor and City Clerk be authorized and directed to execute the necessary documents.
26. (a) That an Offer to Purchase, to be executed by Lillian Mary Snyder, and schedule to close within thirty (30) days of completion of the conditions as set out in this agreement, but in any event no later than 1995 March 22, for the sale of part of Eleanor Avenue, described as part of Parcel "A", Registered Plan 1007, and designated as Part 4 on Reference Plan 62R-12366, being a triangular parcel of land, having a frontage along the northerly limit of Rymal Road East of 7.010 metres (22.998 feet) more or less, by a depth of 7.010 metres (22.998 feet) more or less, and comprising a total area of 24.6 square metres (264.80 square feet) more or less, be approved and completed, and the funds derived from this sale of \$4. be credited to Account No. CF5698 528946005 (City Share of Services).

- (b) That it be understood and agreed that the closing of this Offer to Purchase is subject to the City of Hamilton accepting and completing an Offer to Purchase executed by Elio Bachetti for the closed portion of Eleanor Avenue, more particularly described as Parts 1, 5 and 6 on Reference Plan 62R-12366, said Part 6 being sold subject to an easement in favour of Union Gas, and the City of Hamilton accepting and completing an Option to Purchase Agreement executed by Elio Bachetti for the purchase of a portion of the property located at 727 Rymal Road East, being rear land and designated as Parts 7 and 8 on Reference Plan 62R-12366, by the City. The aforementioned Offer to Purchase and Option to Purchase together with this Offer to Purchase are to be accepted by City Council concurrently and all properties are to be finalized contemporaneously with each other.
- (c) The closing of this sale to Lillian Mary Snyder is conditional upon the closing of the sale to the City of Hamilton by Elio Bachetti provided for in the Option to Purchase referred to above, and the sale by the City of the lands to Elio Bachetti provided for in the Offer to Purchase referred to above.
- (d) The City agrees to pay Lillian Mary Snyder's reasonable legal fees, provided the account for legal services, the hourly rate and hours incurred are satisfactory to the City Solicitor.
- (e) That it be understood and agreed that the closing of this Offer to Purchase is conditional upon the City of Hamilton, its contractors or assigns completing the following works to the City's sole satisfaction:
 - i. The removal of the asphalt road covering of the closed portions of Eleanor Avenue and portions of Rymal Road East, being Parts 2, 3, 5 and 6 and Parts 1 and 4 respectively, and the replacement of said asphalt with topsoil and sod.
 - ii. The removal and restoration of the private driveway belonging to municipal address 741 Rymal Road East and its replacement to Alma Avenue together with all associated works.
 - iii. The removal, restoration and replacement of the private water services currently servicing municipal address 727 and 741 Rymal Road East.
- (f) That the Mayor and City Clerk be authorized and directed to execute the necessary documents.

27. (a) That the Director of Property be directed to negotiate with Mr. A. DiCenzo, owner of DiCenzo Construction Company Limited, for the acquisition of a 12 metre easement through a portion of his lands to be known as Gagliano Drive, required for providing services to Bar-Brock Estates, Phase 3, immediately west of Gagliano Gardens Addition, shown cross-hatched on the attached plan. The necessary expenditures are to be charged to Account No. CH5X303 00107 (Services Through Unsubdivided Lands).
- (b) That in the event the Director of Property is unsuccessful in negotiating the purchase of the required lands on or before 1993 July 15, the City Solicitor be authorized and directed to initiate expropriation proceedings, and the Director of Property be authorized to retain an independent fee appraiser to prepare an appraisal of market value. The costs are to be charged to Account No. CH5X303 00107 (Services Through Unsubdivided Lands).
28. (a) That the following Tenders to purchase 24 residential building lots in the City's Wheten Court Subdivision (107 Mohawk Road East at Warren) be accepted, provided each purchaser enters into an Agreement of Purchase and Sale with the City within 30 days of this resolution. The successful Tenders recommended by the Property Department are as follows:

DESCRIPTION	PURCHASE PRICE	PURCHASER	DEPOSIT (Certified Cheque)
Lot 1, Plan 62M-674	\$40,000.00	886531 Ontario Ltd.	\$2,000.00
Lot 2, Plan 62M-674	40,000.00	886531 Ontario Ltd.	2,000.00
Lot 3, Plan 62M-674	40,000.00	886531 Ontario Ltd.	2,000.00
Lot 4, Plan 62M-674	40,000.00	886531 Ontario Ltd.	2,000.00
Lot 5, Plan 62M-674	40,000.00	886531 Ontario Ltd.	2,000.00
Lot 6, Plan 62M-674	40,000.00	886531 Ontario Ltd.	2,000.00
Lot 7, Plan 62M-674	40,000.00	886531 Ontario Ltd.	2,000.00
Lot 8, Plan 62M-674	50,000.00	886531 Ontario Ltd.	2,400.00
Lot 9, Plan 62M-674	52,000.00	886531 Ontario Ltd.	2,400.00
Lot 10, Plan 62M-674	52,000.00	Carlo Silvestri	2,550.00
Lot 11, Plan 62M-674	52,000.00	886531 Ontario Ltd.	2,500.00
Lot 12, Plan 62M-674	52,000.00	886531 Ontario Ltd.	2,500.00
Lot 13, Plan 62M-674	55,000.00	Carlo Del Sordo	2,750.00
Lot 14, Plan 62M-674	53,901.00	Blue Paradise Homes	2,695.05
Lot 15, Plan 62M-674	55,500.00	Carlo Del Sordo	2,750.00
Lot 16, Plan 62M-674	52,901.00	Antonio Paiano	2,645.05
Lot 17, Plan 62M-674	52,901.00	Antonio Paiano	2,645.05
Lot 18, Plan 62M-674	52,901.00	Antonio Paiano	2,645.05
Lot 19, Plan 62M-674	52,000.00	886531 Ontario Ltd.	2,400.00
Lot 20, Plan 62M-674	50,000.00	886531 Ontario Ltd.	2,400.00
Lot 21, Plan 62M-674	51,000.00	Carlo Silvestri	2,550.00

Lot 22, Plan 62M-674	51,000.00	Carlo Silvestri	2,550.00
Lot 23, Plan 62M-674	50,000.00	Amarjeet Lakhian	2,800.00
Lot 24, Plan 62M-674	50,000.00	886531 Ontario Ltd.	2,500.00

- (b) That upon execution of the Offer to Purchase agreement, a separate certified cheque(s) payable to the City of Hamilton in the amount of \$3,000. is also required for each lot to be held as a refundable security deposit, without interest, pending satisfactory completion of grading specifications.
 - (c) That in the event the successful tenderor does not enter into the said agreement with the City of Hamilton within 30 days of this resolution (in the form of Offer to Purchase agreement attached hereto) the deposit cheque(s) shall be forfeited and surrendered as agreed amount of liquidated damages.
 - (d) That the Mayor and City Clerk be authorized to execute the necessary documents to carry out these lot sales, including the said Offer to Purchase agreements.
 - (e) That the total sale price of \$1,165,104. be credited to Account No. CH4X501 00102 (Reserve for Property Purchases), and the certified deposit cheques in the total amount of \$57,680.20 be held by the City Treasurer pending completion of these transactions.
29. That City Council enact the by-law to authorize construction of local improvements of sidewalks on Upper Paradise Road from Stone Church Road to approximately 187 m southerly and from approximately 86 m south of Skyview Drive to approximately 83 m southerly.
30. That City Council enact the by-law to authorize construction of local improvements of sidewalks on Limeridge Road from Upper Wellington Street to approximately 263 m easterly and from approximately 376 m east of Upper Wellington Street to approximately 69 m easterly.
31. That a purchase order be issued to Fortran Traffic Systems Limited, Scarborough, for the supply and delivery of Vehicle Actuated Traffic Controllers as and when required during 1993 by the Traffic Department, being the lowest of five tenders received in accordance with specifications issued by the Manager of Purchasing and Vendor's tender and be financed through Traffic Signal Materials Account No. CH56152 75999.

32. That a purchase order be issued to Steetley Lime & Aggregates, Dundas, for the supply and delivery of Athlete Field Lime as and when required during 1993 by the Public Works Department in the amount of \$14.55 per metric tonne plus applicable taxes, being the lowest acceptable of two tenders received, in accordance with specifications issued by the Manager of Purchasing and Vendors' tenders, and be financed through Stock Materials Account No. CH56197 60999.
33.
 - (a) That the alley between Elgin Street and Ferguson Street, from Cannon Street southerly to Kelly Street shown as Part 1 on Plan 62R-12068, be sold to Lockwood Motors Limited for \$24,000.
 - (b) That the by-law to carry out the sale of the said lands be enacted by City Council.
 - (c) That the Commissioner of Transportation/Environmental Services be authorized and directed to register the by-law.
34.
 - (a) That parts of Limeridge Road West (road allowance between Concessions 6 and 7, former Township of Barton) shown as Parts 2, 3 and 7, on Plan 62R-11800, be sold to the Regional Municipality of Hamilton-Wentworth for \$148,000.
 - (b) That the by-law to carry out the sale of the said lands be enacted by City Council.
 - (c) That the Commissioner of Transportation/Environmental Services be authorized and directed to register the by-laws.
35.
 - (a) That Tom Street, Registered Plan No. 255, designated as Part 3 on Plan 62R-6060 be closed and retained.
 - (b) That the by-law to carry out the closure and retention of the said lands be enacted by City Council.
 - (c) That the Commissioner of Transportation/Environmental Services be authorized and directed to register the by-law.
36. That City Council enact the appropriate by-law to widen and alter Mount Albion Road from approximately 90 m north of Albright Road to approximately 110 m south of Albright Road, to provide a left turn lane.
37.
 - (a) That approval be given to proceed with the narrowing of Sanders Boulevard from 16.5 m to 14.5 m between West Park Avenue to Norfolk Street in conjunction with the 1993 Reconstruction Programme (Supplementary List).

- (b) That the appropriate by-law be enacted by City Council.
- 38. (a) That the 1993 Road and Sidewalk Capital Improvement Programme in the amount of seven million dollars (\$7,000,000.) attached hereto as Appendix "B", be approved; and,
- (b) That the Commissioner of Transportation/Environmental Services be authorized to undertake the works on behalf of the City of Hamilton once all the necessary approvals have been received; and,
- (c) That the Commissioner of Transportation/Environmental Services prepare the necessary by-laws and the City Clerk be authorized and directed to advertise these by-laws as required by Section 300 of the Municipal Act of the City's intention to proceed with the altering of the following streets:
 - i. Mount Albion Road from approximately 90 m north of Albright Road to approximately 110 m south of Albright Road - widening to provide a left turn lane.
 - ii. Sanders Boulevard from West Park Avenue to Norfolk Street - road narrowing.
- (d) That the Director of Property be authorized and directed to negotiate the purchase of the land required for the widening of the Mount Albion and Albright Road intersection.
- (e) That Section 41 of the Second Report of the Transport and Environment Committee for 1993, be rescinded.
- 39. That a purchase order be issued to Niagara Paint and Chemical, Hamilton, for the supply and delivery of Traffic Paint as and when required during 1993, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, at the following prices, and be financed through Pavement Markings Material Account No. 56153 75999.

White and Yellow non-coning in 205 l. containers	\$1.76 l.
White and Yellow coning in 20 l. containers	1.86 l.

GST and PST extra

NOTE: For the information of Council, Niagara Paint and Chemical was not the low bidder on this tender. Due to a minimal difference in bids (+ 1 cent for white and yellow non coning ... and + 2 cents for white and yellow coning ...), the Transport and Environment Committee is recommending that the Hamilton-based company be selected rather than the low bidder, Ibis Products Ltd. Scarborough.

40. (a) That Section 51 of the Third Report of the Transport and Environment Committee for 1993 approved by Council 1993 March 9, respecting A & A Restoration's, be rescinded.
- (b) That a purchase order be issued to Empery Road Services, Hamilton, for removal of pavement markings using Sandblasting Equipment as and when required during 1993 and 1994 by the Traffic Department, being the lowest of three quotations received in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation, and be financed through Contractual Services Account No. CH56364 75999.
- (c) That A & A Restoration's be deleted from our Bidders' List for a period of four years due to the fact that this current contract is for a two year period and therefore this company would not be entitled to bid on the next tender call.
41. (a) That the City of Hamilton reconfirm its application to the National Transportation Agency of Canada (NTA) for approval to reconstruct the Poulette Street Overhead Bridge, mileage 38.5, Waterford Subdivision, Canadian Pacific Limited, as a pedestrian bridge; and,
- (b) That the cost of reconstruction and future maintenance costs be the responsibility of Canadian Pacific Limited; and,
- (c) That in making this application the City is reserving all rights and remedies it may have pursuant to the Minutes of Settlement dated 1986 May 1, between the City and CP Rail and, accordingly, such application is to be considered entirely without prejudice to those rights and remedies and no waiver or acquiescence (express or implied) of those rights and remedies can or will be inferred from the City making this application.
42. (a) That the City of Hamilton donate the \$786.45 cost of the installation of the concrete approach to Ronald McDonald House, 1510 Main Street West.
- (b) That the Department of Public Works fund the installation of the approach from its 1993 Current Budget.

43. That leave be granted to introduce the following Bills:

- (a) **A-21** By-law to Authorize the Sale only of Part of an Alley according to Registered Plan No. 255 (Closed by Judge's Order No. 135758) Designated as Part 1, on Plan 62R-12068
- (b) **A-22** By-law to Authorize the Sale only of Part of Limeridge Road West Road Allowance between Concessions 6 and 7 now closed by By-law No. 72-167 and By-law No. 70-107 being Parts 2, 3 and 7, Plan 62R-11800
- (c) **A-23** By-law to Stop-up, Close and Retain a Portion of Tom Street
- (d) **A-24** By-law to Alter Portions of Mount Albion Road
- (e) **A-25** By-law to Alter Portions of Sanders Boulevard
- (f) **A-26** By-law to Incorporate Part 7, Plan 62R-5638 Greenhill Avenue
- (g) **A-27** By-law to Incorporate Parts 3, 4 and 5, Plan 62R-8979 Balharbour Drive
- (h) **A-28** By-law to Incorporate Block 45, Plan 62M-688 Sparling Avenue
- (i) **A-29** By-law to Incorporate Block 46, Plan 62M-688 Westlawn Drive
- (j) **A-30** By-law to Incorporate Part 2, Plan 62R-12480 Public Walkway
- (k) **A-31** By-law to Authorize the construction of local improvements without petition under Section 12 of the Local Improvement Act of concrete sidewalk on the east side of Upper Paradise Road from Stone Church Road to approximately 187 m southerly and from approximately 86 m south of Skyview Drive to approximately 83 m southerly
- (l) **A-32** By-law to Authorize the construction of local improvements without petition under Section 12 of the Local Improvement Act of concrete sidewalks on the south side of Limeridge Road from Upper Wellington Street to approximately 263 m easterly and from approximately 376 m east of Upper Wellington Street to approximately 69 m easterly

1993 April 13

- (m) **A-33** By-law to Amend By-law No. 89-72 to Regulate Traffic
- (n) **A-34** By-law to Amend By-law No. 89-72 to Regulate Traffic

Respectfully Submitted,

Kevin C. Christenson
Secretary

ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE

1993 April 5



POLICY

Transportation Association of Canada

Association des transports du Canada

Environmental Policy and Code of Ethics

Approved by the TAC Board of Directors

September 15, 1992

The Transportation Association of Canada (TAC) is a national non-profit association of more than 550 voluntary corporate members and includes the federal, all provincial/territorial and many municipal governments, passenger transport services, goods carriers, contractors, manufacturers, consultants, academic and research groups, and others. The Association's organization includes a Board of Directors; an Executive Committee of the Board; as well as seven Councils and supporting Standing Committees and Project Steering Committees. In the following Environmental Policy and Code of Ethics, TAC refers to the Board of Directors, the Association's councils and committees and its Secretariat.

TAC's mission is to promote the provision of safe, efficient, effective and environmentally sustainable transportation services in support of Canada's social and economic goals. In carrying out this mission, TAC encourages its members to:

- *adhere to the following Environmental Policy and Code of Ethics in support of achieving environmentally sustainable transportation services; and*
- *provide leadership in developing their own supporting policies, guidelines and practices.*

ENVIRONMENTAL POLICY

The Transportation Association of Canada (TAC) is committed to protect and enhance the environment when providing transportation services, so as to sustain the earth's ecosystem.

TAC is dedicated to establishing harmony and balance between the transport of people and goods, and the environment in order to achieve a sustainable social and natural environment.

ENVIRONMENTAL CODE OF ETHICS

The Transportation Association of Canada encourages its members to adhere to the following Code of Ethics and to use it as a basis for the development of transportation-related codes of practice. The essence of this code of ethics is to espouse an understanding of, and respect for, the rights of people and the environment and their inter-relationships.

Mainstreaming Environmental Concerns

Every activity, be it policy or project development, operations, or influence, has positive and negative environmental effects. Therefore, environmental considerations should be integrated into day to day activities and long-term decision-making, fostering a commitment to environmental protection within the transportation sector.

Continuous Improvements

Environmental protection and enhancement are an ongoing responsibility. Therefore, policies, plans, programs, projects and activities should be monitored, reviewed and improved on an ongoing basis.

Incremental Effects

Environmental degradation results from the aggregation of many small impacts over extended periods of time. Therefore, the cumulative environmental effects of transportation activities should be assessed and remedial action taken to minimize those effects.

Partnership and Awareness

To enhance the decision-making process and raise awareness about transportation-related environmental issues and problems, open communication and partnership with all stakeholders should be encouraged.

Public Participation

In recognition of the need for open communications and partnerships with stakeholders, actions should be sensitive and responsive to the public's concerns and their right to know about transportation-related environmental issues. The public should be involved in the resolution of these issues.

Proactive Planning

Environmental problems should be anticipated and addressed when developing policies, plans, programs, standards and/or guidelines.

Integrated Transportation Planning

A healthy environment depends on sound planning. Therefore, land use, transportation, and environmental planning should be integrated, fostering a multi-modal approach to meeting Canada's transportation needs. A full range of alternative solutions should be considered, emphasizing the management of the demand for, and supply of, transportation services.

Research and Development

In recognition of the importance of knowledge to environmental protection and enhancement, leadership in the research and development of environmentally compatible transportation technologies and methods should be provided and openly shared with others.

Product Stewardship

All materials (hazardous and non-hazardous) should be handled in a way that protects health and the environment.

Products and Processes

In recognition of the need to integrate environmental concerns into all aspects of transportation, environmentally compatible products and processes should be used.

Atmospheric Protection

Transportation-related air emissions, especially those that contribute to global warming, urban smog, ozone depletion, acid rain, as well as other adverse effects on health and the natural environment should be minimized or eliminated.

Surface and Ground Water Protection

In recognition of the necessity of clean water to health, the economy, and the ecosystem, discharges of transportation-related contaminants to surface (fresh and salt water) and ground water should be minimized. Water should also be used in a wise and efficient manner.

Land Protection

Transportation facilities should be planned so as to conserve land resources generally and to preserve and protect lands that are needed to sustain future generations. Furthermore, site contamination should be avoided and land clean-up undertaken as appropriate.

Conservation of Resources

Energy and other resources should be conserved with particular emphasis on reducing dependence on non-renewable resources.

Waste Management

Waste discharges to the environment should be continually reduced through the development and application of 3R (Reduce, Reuse and Recycle) programs and technologies.

Special Spaces and Species

Given the importance of natural habitats to the long-term survival of plants, animals, and aquatic life, these areas should be protected and enhanced. As well, areas containing physical features of significant interest should be protected.

Noise Reduction

Transportation-related noise impacts should be minimized.

Appreciation of Canada's Cultural Heritage

Historical sites, archaeological resources and other aspects of our diverse cultural heritage should be preserved for future generations.

Aesthetics

Transportation facilities should be planned, designed and constructed with due consideration for the visual environment into which they are placed.

ENVIRONMENT ADVISORY COUNCIL

The Environmental Policy and Code of Ethics was prepared by TAC's Environment Advisory Council on request from the Board of Directors.

The objectives of this council are to:

- raise awareness of environmental issues in transportation for the TAC membership;
- provide a forum for discussion and education about environmental issues; and
- encourage and assist TAC members in seeking effective resolution of specific environmental issues.

The membership of this council includes federal and provincial governments (transportation and environment), municipal governments, vehicle manufacturers, roadway contractors, carriers (truck, transit, rail, air, ports) motorists, academics and consultants.

For additional copies of this policy and code, or for more information on the activities of the Environment Advisory Council, please contact:

Russ Smith
Secretary, Environment Advisory Council
Transportation Association of Canada
2323 St. Laurent Blvd., Ottawa, Ontario K1G 4K6
Telephone (613) 736-1350 Fax (613) 736-1395



Appendix "B" as referred to in
Section 38 of the FOURTH Report
of the Transport and Environment
Committee for 1993

**CITY OF HAMILTON
1993 ROAD AND SIDEWALK IMPROVEMENT PROGRAMME**

A. Roads and Abutting Sidewalks

<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>COMMENTS</u>	<u>ESTIMATE</u>
Bond Street	King	Main	in conjunction with sewer work	\$ 487,300.
East 14th Street	Inverness	North End	1992 Carry Over	208,800.
Nottingham Avenue	Tenth	Winchester	1992 Carry Over	172,100.
Ratcliffe Court	Dunkirk	South End		79,600.
Rennie Street	Parkdale	Waterloo	1992 Carry Over	1,327,800.
Whitney Avenue	Main	155m east of Rifle Range	in conjunction with sewer work	1,127,800.

Contingency

These projects are being included on the Programme but are contingent upon Regional Environmental Services Budget approval.

<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>COMMENTS</u>	<u>ESTIMATE</u>
Central Avenue	Summerhill	Parkdale	in conjunction with sewer work	136,600.
David Avenue	South Bend	Dunconibie	in conjunction with sewer work	117,100.
Dodson Street	South Bend	McElroy	in conjunction with sewer work	61,400.
Hoover Crescent	Fennell	Welbourn	in conjunction with sewer work	44,500.
McElroy Road	Dodson	Welbourn	in conjunction with sewer work	59,600.
Seven Oaks Drive	South Bend	Delevan	in conjunction with sewer work	16,500.
Sheridan Drive	East 16th	Holt	in conjunction with sewer work	149,800.
South Bend Road	Dodson	Seven Oaks	in conjunction with sewer work	102,400.
Tragina Avenue	Main	82m south of Monterey	in conjunction with sewer work	556,400.
Welbourn Drive	Hoover	McElroy	in conjunction with sewer work	221,900.

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B. Sidewalks on Regional Roads

<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>ESTIMATE</u>
Fennell Avenue	Upper Ottawa	Mountain Brow	\$179,800.
Garth Street	Fennell	Bendamere	65,200.
Mohawk Road	Upper Sherman	Upper Ottawa	279,800.
Provision for sidewalks on Regional Road Projects - approval pending			587,000.

C. Sidewalks and Road Resurfacing

<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>ESTIMATE</u>
Brunswick Street	Vansitmart	Walmer	100,000.
Chedmac Drive	Rice	270m westerly	50,000.
Kirk Road	Beach Boulevard	West End	17,700.
Mareve Avenue	Beach Boulevard	East End	19,400.
Osbourne Street	Barton	Walmer	131,200.
Walmer Road	Woodward	Talbot	145,800.

D. Miscellaneous Projects

<u>DESCRIPTION</u>	<u>ESTIMATE</u>
Catch Basin and Drain Connections	50,000.
-various locations in conjunction with Regional Local Improvement sewers	
Mount Albion Road and Albright Road - road widening to provide left turn lanes including land acquisition costs	70,000.
Streetlighting - various locations - modifications and upgrades generally in conjunction with road works	434,500.

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January 29, 1993

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E. Supplementary List

<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>COMMENTS</u>	<u>ESTIMATE</u>
Macklin Avenue	drainage channel slope stabilization			180,000.
Macauley Street	John	Wellington		309,500.
Sanders Boulevard	Norfolk	West Park	Proposed Road Narrowing	963,700.

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Transport and Environment Committee presents its **FIFTH** Report for 1993 and respectfully recommends:

1. (a) That qualified City forces required to eliminate safety hazards and removal of all brush/branch debris resulting from the 1993 April 1 ice storm be maintained until the clean-up is complete, expected to require 42 working days from date of the storm.
- (b) That costs associated with the clean-up program be charged to Centre 60428 - Arboriculture-Storm Damage.
- (c) That the projected budgetary impacts of the clean-up work be forwarded to the Finance and Administration Committee for information at this time and that upon completion of the clean-up a more detailed report be submitted to the Transport and Environment Committee for its consideration.
2. (a) That an "Alternate Side Parking" regulation be implemented on East 13th Street from Inverness Avenue East and Mountville Avenue such that winter parking prohibition is on the west side of the street.
- (b) That the City Traffic By-law No. 89-72 be amended accordingly.
3. That leave be granted to introduce the following Bill:
 - (a) **A-35** By-law to Amend By-law No. 89-72 to Regulate Traffic

Respectfully Submitted,

Kevin C. Christenson
Secretary

ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE

1993 April 6

1993 April 13

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **SEVENTH** Report for 1993 and respectfully recommends:

1. That a purchase order be issued to Johnson, Sustronk, Weinstein & Associates, Richmond Hill, in the amount of \$59,517.78 including all taxes, for consulting services to prepare a master plan, detailed concept plans and cost estimates for the revitalization of Ferguson Avenue, being the lowest acceptable of five proposals received in accordance with the Request for Proposal issued by the Manager of Purchasing and Vendor's submission, and be financed through Ferguson Avenue Phase IV, Downtown Action Plan, Administration Account No. CF5698 428803006.
2. That the Building Commissioner be authorized to issue demolition permits for:
 - (a) 36 Pearl Street North
 - (b) 623 Limeridge Road East
3.
 - (a) That Council for the City of Hamilton has no objections to the policies in the draft "New Official Plan" for the Halton Region since it does not affect the planning intentions of the City of Hamilton.
 - (b) That the City Clerk forward City Council's decision to Halton Regional Council.
4. That **approval** be given to Zoning Application 93-11, Rolanco Networking, owner, requesting removal of the 'H' (Holding) symbol provision under Section 36 of the Planning Act, to permit conversion of the existing building for a dental office having a maximum gross floor area of 95.0 m² (1,000 sq. ft.) on the first floor only, and one dwelling unit on the second floor only, and that the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-law 92-305, and Zoning District Map E-18 for presentation to City Council, for lands located at No. 860 Upper Wentworth Street, as shown on the attached map marked as Appendix "A".

5. That **approval** be given to Zoning Application 93-04, Highridge Developments (Hamilton) Ltd., owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit development of the subject lands in conjunction with adjacent lands to the north for four (4) single-family dwelling lots fronting onto Rexford Drive, for property located south of Rexford Drive and east of Ardleigh Street, as shown on the attached map, marked as Appendix "B", on the following basis:
 - (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
 - (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38C for presentation to City Council; and
 - (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
6. A. That **approval** be given to amended Zoning Application 92-54, Max Mintz, owner, requesting a modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations for Block "1", and a further modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations for Block "2", to permit an additional six dwelling units, for properties known as 1854-1856 and 1868 Main Street West, shown as Blocks "1" and "2" on the attached map marked as Appendix "C", on the following basis:
 - (a) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variances as special requirements:
 - i. Notwithstanding Section 11, a maximum of 153 dwellings units shall be permitted;
 - ii. Notwithstanding Section 18A(1)(a), a minimum of 160 parking spaces shall be provided and maintained on-site;
 - iii. Section 18A(1)(c) shall not apply; and,

1993 April 13

- iv. Subsection 18A (11) and (12) shall not apply to the southerly boundary of the rear parking area;
- (b) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of Zoning By-law No. 6593, as amended by By-law No. 10564, applicable to Block "2", be further modified to include the following variances as special requirements:
 - i. Notwithstanding Section 11, a maximum of 134 dwelling units shall be permitted;
 - ii. Notwithstanding Section 18A(1), a minimum of 135 parking spaces shall be provided and maintained on-site and an additional 5 required parking spaces shall be provided and maintained off-site located on Block "1"; and,
 - iii. Section 18A(1)(c) shall not apply.
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-4a, and that the subject lands on Zoning District Map W-51 be notated S-4a;
- (d) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W-51 for presentation to Council;
- (e) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
- B. That the by-law not be forwarded for passage by Council until such time as the applicant has applied for and received approval of a Site Plan showing the existing and proposed parking layout, as well as the establishment of an access right-of-way to the parking spaces at 1854 and 1856 Main Street West exclusively for the residents of 1868 Main Street West.

7. That Zoning Application 92-44, Emilia Fazekas, Angelo Nardi, and Quinn Staunitzky, owners, requesting a modification to the established "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to legalize the existing four (4) family dwelling, for the property located at 280 Aberdeen Avenue, shown on the attached map marked as Appendix "D", be **denied** for the following reasons:
 - (a) It conflicts with the approved Kirkendall North Neighbourhood Plan which designates the lands "Single and Double Residential";
 - (b) It conflicts with the recently adopted Housing Intensification Strategy and implementing By-law, in that the additional fourth unit exceeds the maximum two (2) units to be permitted for residential conversions in a "D" District, more than 50% of the required front yard will be utilized for parking, and less than 50% of the gross area of the front yard will be used for a landscaped area; and,
 - (c) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law.
8. That leave be granted to introduce the following Bills:
 - (a) C-31 By-law to Amend Zoning By-law No. 6593 respecting Land Located at Part of Municipal No. 96 Mary Street (Beasley Park).
 - (b) C-32 By-law to Amend Zoning By-law No. 6593 as amended by Zoning By-law No. 92-003 respecting Land Located at Municipal No. 1341 Upper James Street.
 - (c) C-33 By-law to Amend Zoning By-law No. 6593 as amended by Zoning By-law No. 92-305 respecting Land Located at Municipal No. 860 Upper Wentworth Street.

1993 April 13

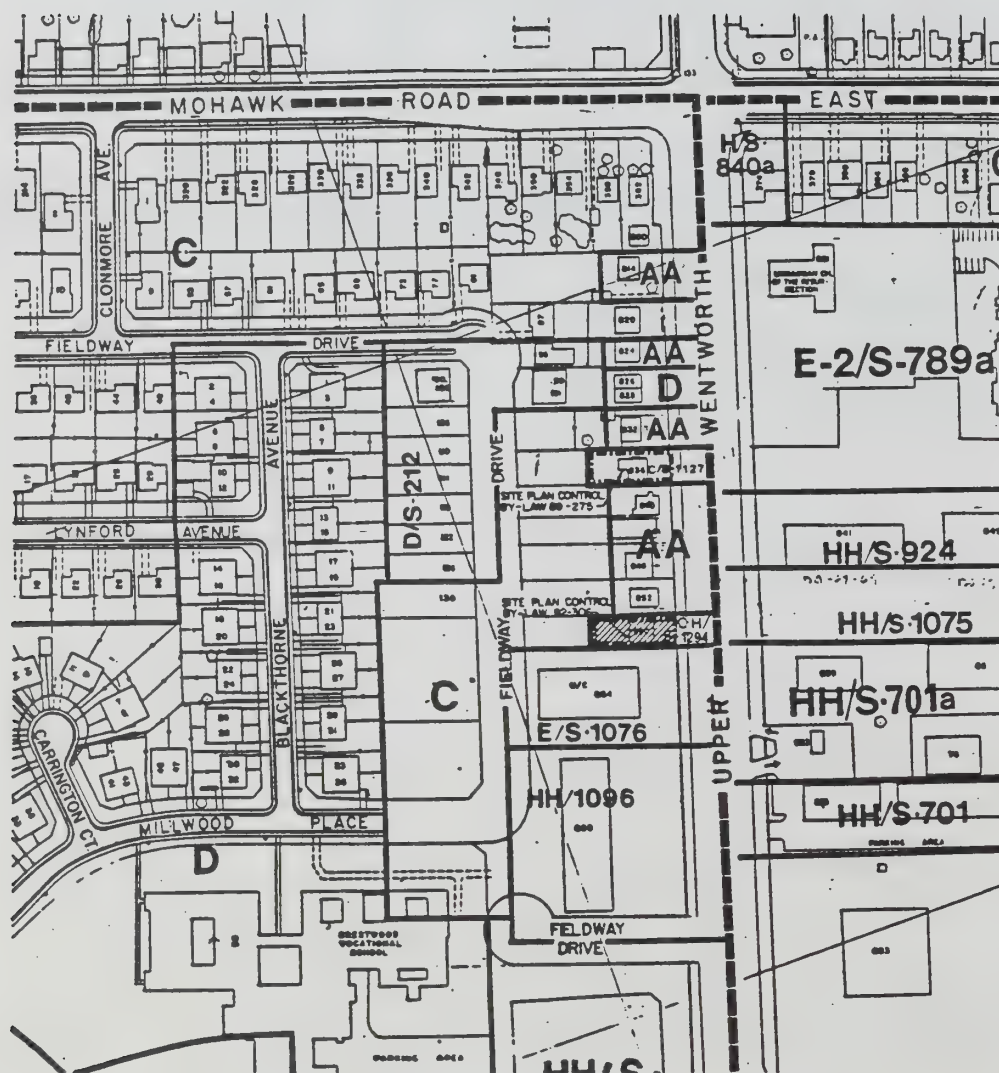
- (d) C-34 By-law to Designate Land Located at Municipal No. 114 John Street North as Property of Historic and Architectural Value and Interest.

RESPECTFULLY SUBMITTED,

**ALDERMAN F. EISENBERGER, VICE CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE**

Tina Agnello, Secretary
1993 April 7

Appendix "A" as referred to in Section 4 of the **SEVENTH** Report of the Planning and Development Committee for 1993

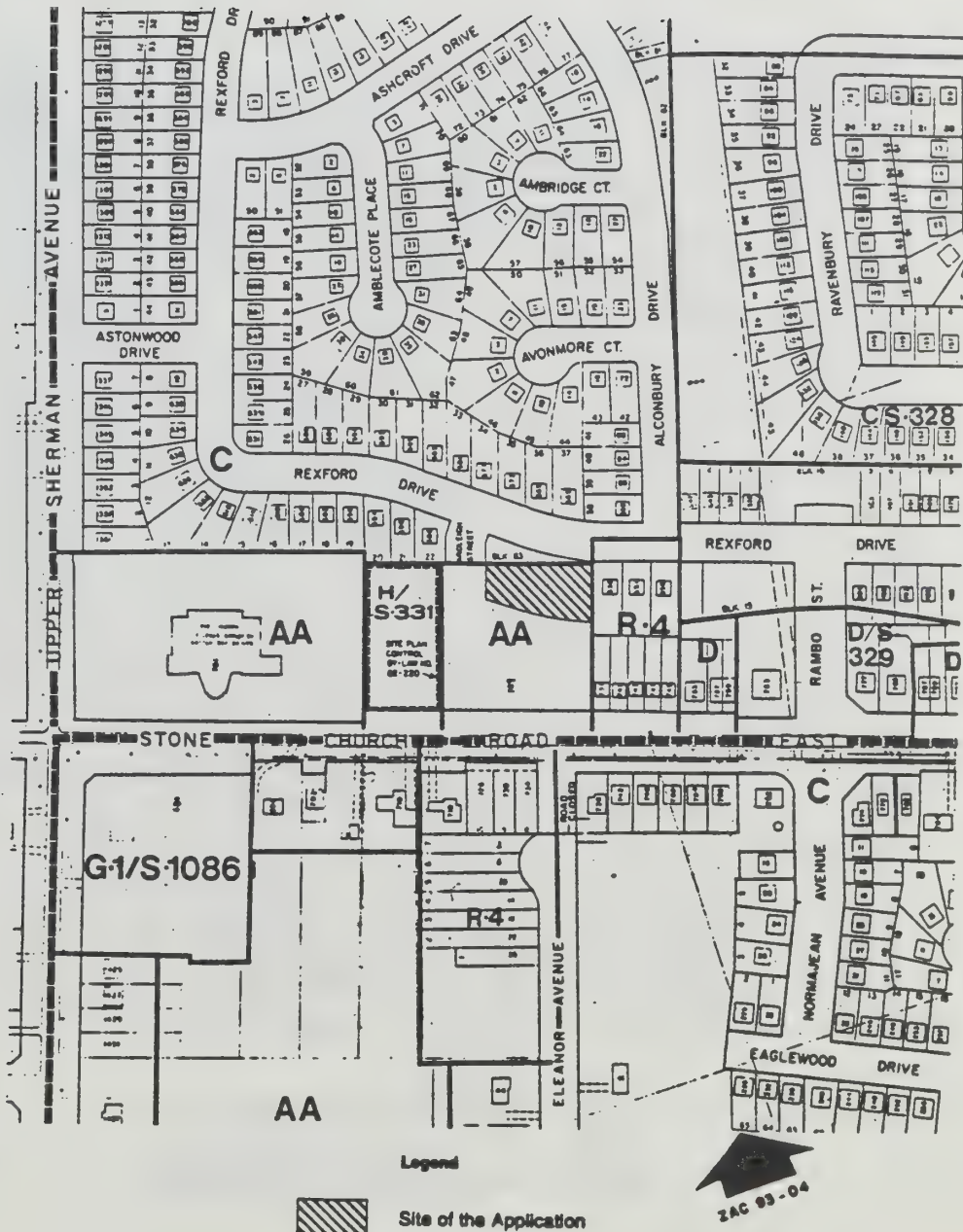


Site of the Application



1993 April 13

Appendix "B" as referred to
in Section 5 of the SEVENTH
Report of the Planning and
Development Committee for
1993





1993 April 13

Appendix "C" as referred to in Section 6 of the SEVENTH Report of the Planning and Development Committee for 1993



Legend

Site of the Application

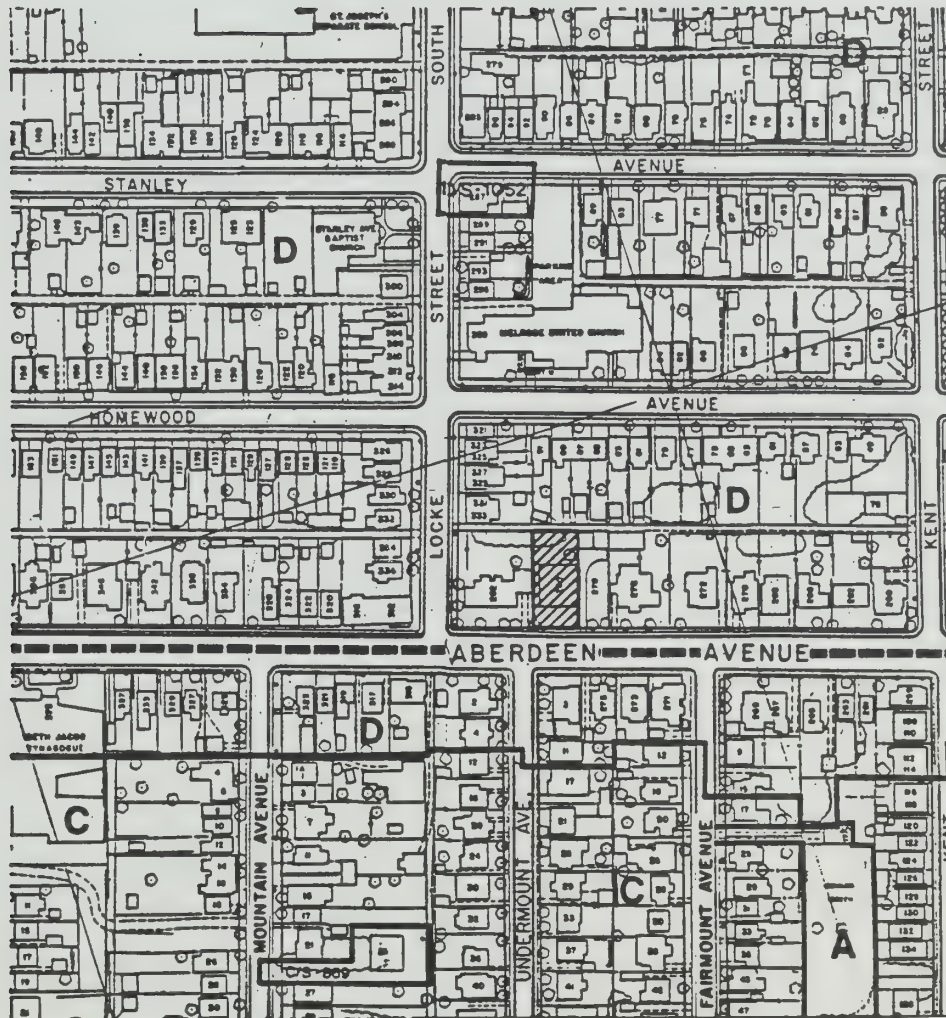
- | | | |
|----------------|---|---|
| BLOCK 1 |  | Proposed modification to the "E" (Multiple Dwellings, Lodges Clubs, etc.) District regulations. |
| BLOCK 2 |  | Proposed further modification to the "E" (Multiple Dwellings, Lodges Clubs, etc.) District regulations. |



ZA 92-64

1993 April 13

Appendix "D" as referred to
in Section 7 of the SEVENTH
Report of the Planning and
Development Committee for
1993



Legend



Site of the Application



ZA-82-44

1993 April 13

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **EIGHTH** Report for 1993 and respectfully recommends:

1. (a) That Mr. J. Pavelka, Director of Public Works, be re-appointed Chief Administrative Officer for the period 1993 June 1 through 1993 December 31 within the salary range "A" and that the City Solicitor be authorized and directed to amend the necessary by-laws and that Mr. J. Pavelka be re-appointed as Director of Public Works, effective 1994 January 1; and,
- (b) That Mr. D. Lobo, Manager of Streets and Sanitation, be re-appointed as Director of Public Works for the period 1993 June 1 through 1993 December 31 within the salary range "B" and that effective 1994 January 1 be re-appointed as Manager of Streets and Sanitation; and,
- (c) That the process of advertising for a City of Hamilton Chief Administrative Officer commence immediately; and,
- (d) For the information of the members of City Council, the Finance and Administration Committee, in accordance with approved policy procedures, have appointed a Selection Committee for a City of Hamilton Chief Administrative Officer consisting of the following:
 - (i) Mayor Robert M. Morrow
 - (ii) Alderman D. Ross, Chairperson of the Finance and Administration Committee
 - (iii) Alderman B. Charters, Vice-Chairperson of the Finance and Administration Committee
 - (iv) Alderman G. Copps
 - (v) Alderman D. Agostino
- (e) That the Terms of Reference for One-Tier Administration be tabled within 30 days and a Consultant hired within 60 days.

1993 April 13

2. That the Corporation of the City of Hamilton adopt a policy of giving preference for summer employment to social assistance recipients (50% of hires) in 1993.
3. That the Parking Authority be authorized to purchase one 3/4 Ton Van as a replacement to an existing 1980 1/2 Ton Pick-up Truck at an approximate cost of \$18,000. Funds are available within the Parking Authority Vehicle Depreciation Account.
4.
 - (a) That approval be given to the request of the Canusa Games Board of Directors to use the City Hall Forecourt and have access to the first floor washrooms on Sunday, 1993 August 8, from 9:00 a.m. to 12:00 noon, for the purposes of holding the 1993 Canusa Games Closing Ceremonies; and,
 - (b) That the City Clerk be granted the authority to approve of a similar use in future years provided it does not interfere with any other activity.
5.
 - (a) That the Culture and Recreation Department be granted approval to use the Council Chamber as follows:
 - (i) Wednesday, 1993 April 28, from 6:30 - 10:00 p.m., for a Community Services Marketplace; and,
 - (ii) Wednesday, 1993 November 24, from 6:30 - 10:00 p.m., for an Information Meeting.
 - (b) That the City Clerk be granted the authority to approve of a similar use in future years provided it does not interfere with any other activity.
6.
 - (a) That approval be given to the action taken by the City Clerk in authorizing the use of the Council Chambers by the Niagara Chapter of the Ontario Building Officials Association to hold its March monthly chapter meeting on Thursday, 1993 March 25, from 7:30 - 10:30 p.m.; and,
 - (b) That the City Clerk be granted the authority to approve of a similar use in future years provided it does not interfere with any other activity.

1993 April 13

7. (a) That approval be given to the request of the Hamilton Area March for Jesus Co-ordinating Committee to use the City Hall forecourt and related equipment on Saturday, 1993 April 17 at 11:00 a.m., for a concert of praise; and,

(b) That the City Clerk be granted the authority to approve of a similar use in future years provided it does not interfere with any other activity.
8. (a) That the Manager, Property Maintenance Division, be authorized and directed to erect a reviewing stand and all other pertinencies on the south sidewalk on Main Street West in front of City Hall on Saturday, 1993 May 29, to be in place from 8:45 a.m. to 11:45 a.m., on the occasion of the annual Boy Scout and Girl Guide Parade; and,

(b) That Scouts Canada be granted permission to use the forecourt and forecourt area east of City Hall for a dispersal area following the Boy Scout and Girl Guide Parade; and,

(c) That the City Clerk be granted the authority to approve of a similar use in future years provided it does not interfere with any other activity.
9. (a) That approval be given to the action taken by the City Clerk in authorizing the Greek Flag to be flown at City Hall from Wednesday, 1993 March 24 - Sunday, March 28, to commemorate Greek Independence celebrations; and,

(b) That the City Clerk be granted the authority to approve of a similar use in future years provided it does not interfere with any other activity.
10. (a) That approval be given to the request of the Tourette Syndrome Foundation of Canada, Hamilton Region Chapter, to fly the Tourette Syndrome Foundation of Canada Flag at City Hall during 1993 June, to commemorate Tourette Syndrome Awareness Month; and,

(b) That the City Clerk be granted the authority to approve of a similar use in future years provided it does not interfere with any other activity.

1993 April 13

- (e) That the amendments to the contracts, satisfactory to the City Solicitor, be executed; and,
 - (f) That the Mayor and the City Clerk initiate the amendments to the Contract on behalf of the City.
19. That leave be granted to introduce the following Bills:
- (a) Bill H-23 A By-law to authorize an amendment to the Construction of a Senior Citizen's Centre at Sackville Hill Memorial Park.
 - (b) Bill H-24 A By-law to amend By-law 79-144 respecting Class "H" Adult Entertainment Parlour Licences.
 - (c) Bill H-25 A By-law to confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

RESPECTFULLY SUBMITTED,

**ALDERMAN D. ROSS, CHAIRPERSON
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder
Secretary
1993 April 8**

Appendix "A" referred
to in Section 15 of the
EIGHTH Report of the
Finance and Administration
Committee for 1993.

City of Hamilton
Treasury

File: 93N&SAPP

The Public Transportation and Highway Improvement Act
1993 Request for Allocation of Subsidy Monies

Detail of Expenditure (1)	Estimated		
	Total Expenditure (2)	Eligible Expenditure (3)	Subsidy Dollars (4)
Normal Application			
Maintenance	10,417,360	9,341,130	4,670,565
Construction	7,482,100	3,878,270	1,939,135
	17,899,460	13,219,400	6,609,700
Supplementary Application			
Construction	2,056,460 *	1,053,730	526,865
Total Applications	19,955,920	14,273,130	7,136,565

* These expenditures will not be incurred until a
Supplementary Application is approved by the Minister.

URBAN MUNIC
APR - 1993,
GOVERNMENT DOCUMENTS

BILLS

CITY COUNCIL

1993 APRIL 13

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 93-

**TO AUTHORIZE THE SALE ONLY OF PART OF AN ALLEY
ACCORDING TO REGISTERED PLAN NO. 255
(CLOSED BY JUDGE'S ORDER NO. 135758)
DESIGNATED AS PART 1, ON PLAN 62R-12068**

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297 of The Municipal Act, Revised Statutes of Ontario, 1990, Chapter m.45, to sell any highway or part of a highway;

AND WHEREAS The City of Hamilton does hereby intend to authorize the sale of Part 1, on Plan 62R-12068, which is a portion of the closed part of the alley.

AND WHEREAS The Corporation of the City of Hamilton is the registered owner of the land adjacent to the West of the said portion of the closed alley and the purchaser named in paragraph 1 below are the owners of the land adjacent to the other side of the said portion of the closed alley, the said land known as Lots 42 to 47 (incl.), Registered Plan No. 255, and The Corporation of the City of Hamilton does not require the portion of the said part of the closed alley adjacent to its land.

AND WHEREAS The Council of the Corporation of the City of Hamilton approved at its meeting January 14, 1992, in adopting Item 9, of the 1st Report of the Transport and Environment Committee the sale to Lockwood Motors Limited of Part 1, on Plan 62R-12068 for the sum of \$24,000. All in accordance with and subject to the terms and conditions of an agreement dated October 24, 1991, subject to the highway closing and sale purchases in the Registry Act and the Municipal Act.

AND WHEREAS The Corporation of the City of Hamilton is the Owner of the portion of the said closed alley.

AND WHEREAS Notice of the City's intention to pass this By-Law to authorize the said sale has been published on March 10, 17, 24 and 31, 1993, as required by Section 300 of The Municipal Act;

AND WHEREAS the Council of The Corporation of the City of Hamilton, through its Transport and Environment Committee, has heard all persons who applied to be heard, no matter whether in objection to or in support of this By-Law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. That the soil and freehold in those portions of the said portion of the closed alley described as Part 1, on Plan 62R-12068, be sold to the owners of Lots 42 to 47 (incl.), Registered Plan 255, namely Lockwood Motors Limited, or their successors in title, for the sum of \$24,000 in accordance with the provisions of the agreement above noted.

PASSED this day of A.D. 1993.

City Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 93-

**TO AUTHORIZE THE SALE ONLY OF PART OF LIMERIDGE ROAD WEST
ROAD ALLOWANCE BETWEEN CONCESSIONS 6 AND 7
NOW CLOSED BY BY-LAW NO. 72-167 AND BY-LAW NO. 70-107
BEING PARTS 2, 3 AND 7, PLAN 62R-11800**

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297 of The Municipal Act, Revised Statutes of Ontario, 1990, Chapter m.45, to sell any highway or part of a highway;

AND WHEREAS The City of Hamilton does hereby intend to authorize the sale of Parts 2, 3 and 7, on Plan 62R-11800, which is portions of the closed part of the said Road Allowance.

AND WHEREAS The Regional Municipality of Hamilton-Wentworth is the registered owner of the land adjacent to the North and South of the said portion of closed Road Allowance and The Corporation of the City of Hamilton does not require the said closed portions of Road Allowance.

AND WHEREAS The Regional Council for Hamilton-Wentworth approved at its meeting on October 6, 1992, in adopting Item 22 of Report No. 1392 of The Transportation Services Committee the purchase of Parts 2, 3 and 7, on Plan 62R-11800 for the sum of \$148,000 in accordance with and subject to the terms and conditions of an agreement dated October 13, 1992, subject to the highway closing and sale purchases in the Registry Act and the Municipal Act.

AND WHEREAS the City Council on November 10, 1992, adopted Item 18 of the 12th Report of the Transport and Environment Committee to accept the sum of \$148,000.00 for the sale of the said Parts 2, 3 and 7, on Plan 62R-11800.

AND WHEREAS The Corporation of the City of Hamilton is the Owner of the portions of the said closed Road Allowance.

AND WHEREAS Notice of the City's intention to pass this By-Law to authorize the said sale has been published on March 9, 16, 23 & 30, 1993, as required by Section 300 of The Municipal Act;

AND WHEREAS the Council of The Corporation of the City of Hamilton, through its Transport and Environment Committee, has heard all persons who applied to be heard, no matter whether in objection to or in support of the By-Law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. That the soil and freehold in those portions of the said portions of the closed Road Allowance described as Parts 2, 3 and 7, on Plan 62R-11800, be sold to The Regional Municipality of Hamilton-Wentworth, or their successors in title, for the sum of \$148,000 in accordance with the provisions of the agreement above noted.

PASSED this day of A.D. 1993.

City Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 93-

TO STOP-UP, CLOSE AND RETAIN A PORTION OF
TOM STREET

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 301 of The Municipal Act, Revised Statutes of Ontario, 1980, Chapter 302, to stop-up, close and retain any highway or part of a highway.

AND WHEREAS The Council of The Corporation of the City of Hamilton in adopting Item 15(1)(bb) of the 14th Report of The Transport and Environment Committee on July 28, 1981, authorized the City to stop-up, close and retain a portion of Tom Street, being more particularly described as Part 3, on Plan 62R-6060.

AND WHEREAS The Corporation of the City of Hamilton is the owner of the above described lands.

AND WHEREAS Notice of the City's intention to pass this By-Law has been published as required by Section 301 of The Municipal Act for four consecutive weeks; namely March 10, 17, 24 and 31, 1993.

AND WHEREAS the Council of The Corporation of the City of Hamilton, through its Transport and Environment Committee, has heard all persons who applied to be heard, no matter whether in objection to or in support of the By-Law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The portion of the highway described as,

Part of Tom Street, Registered Plan No. 255, designated as Part 3, on Plan 62R-6060.

City of Hamilton

Regional Municipality of Hamilton-Wentworth

And hereby stopped, closed and retained.

2. This By-Law shall come into force and effect on the date of registration in the Land Registry Office for the Registry Division of Wentworth (No. 62).

PASSED this day of A.D. 1993.

City Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 93 -

**TO ALTER PORTIONS OF
MOUNT ALBION ROAD**

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 300 of The Municipal Act, R.S.O. 1990, Chapter M.45, to alter, establish and lay out any highway or part of a highway under its jurisdiction;

AND WHEREAS it is necessary as part of the 1993 Reconstruction Programme to alter portions of Mount Albion Road as described in more detail in Schedule "A" attached hereto;

AND WHEREAS the Council of The Corporation of the City of Hamilton, at its meeting held on February 9, 1993 in adopting Item 41 of the 2nd Report of the Transport and Environment Committee authorized the reconstruction and altering of Mount Albion Road as described in Schedule "A" attached hereto;

AND WHEREAS Notice of the By-Law has been published as required by Section 301 of the Municipal Act;

AND WHEREAS the Council of The Corporation of the City of Hamilton, through its Transport and Environment Committee, has heard all persons who applied to be heard, whether in objection to or in support of this By-Law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The reconstruction of Mount Albion Road as described in Schedule "A" attached hereto and forming part of this By-Law be proceeded with.
2. The proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to sign all documents and do all things necessary to implement these works.

PASSED this _____ **day of** _____ **1993.**

City Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 93 -

**TO ALTER PORTIONS OF
SANDERS BOULEVARD**

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 300 of The Municipal Act, R.S.O. 1990, Chapter M.45, to alter, establish and lay out any highway or part of a highway under its jurisdiction;

AND WHEREAS it is necessary as part of the 1993 Reconstruction Programme to alter portions of Sanders Boulevard as described in more detail in Schedule "A" attached hereto;

AND WHEREAS the Council of The Corporation of the City of Hamilton, at its meeting held on February 9, 1993 in adopting Item 41 of the 2nd Report of the Transport and Environment Committee authorized the reconstruction and altering of Sanders Boulevard as described in Schedule "A" attached hereto;

AND WHEREAS Notice of the By-Law has been published as required by Section 301 of the Municipal Act;

AND WHEREAS the Council of The Corporation of the City of Hamilton, through its Transport and Environment Committee, has heard all persons who applied to be heard, whether in objection to or in support of this By-Law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The reconstruction of Sanders Boulevard, as described in Schedule "A" attached hereto and forming part of this By-Law be proceeded with.
2. The proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to sign all documents and do all things necessary to implement these works.

PASSED this _____ **day of** _____ **1993.**

City Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 93-

**TO INCORPORATE PART 7, 62R-5638
GREENHILL AVENUE**

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297 of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Greenhill Avenue by incorporating within its limits the lands described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of Greenhill Avenue.

Part of Lot 28, Concession 4 (former geographic Township of Saltfleet) designated as Part 7, Plan 62R-5638.

2. The Commissioner of Transportation/Environmental Services or his duly authorized agent is hereby authorized to open as public highway the said lands.

PASSED this day of A.D. 1993.

City Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 93-

**TO INCORPORATE PARTS 3, 4 AND 5, 62R-8979
BALHARBOUR DRIVE**

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297 of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Balharbour Drive by incorporating within its limits the lands described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of Balharbour Drive.

Parts of Lot 10, Concession 8 (former geographic Township of Barton) designated as Parts 3, 4 and 5, Plan 62R-8979.

2. The Commissioner of Transportation/Environmental Services or his duly authorized agent is hereby authorized to open as public highway the said lands.

PASSED this day of A.D. 1993.

City Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 93-

**TO INCORPORATE BLOCK 45, PLAN 62M-688
SPARLING AVENUE**

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297 of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Sparling Avenue by incorporating within its limits the lands described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of Sparling Avenue.

Part of Parcel Reserves -1, Section 62M-688

All of Block 45, Plan 62M-688

City of Hamilton

Regional Municipality of Hamilton-Wentworth

Being Part of the Parcel.

2. The Commissioner of Transportation/Environmental Services or his duly authorized agent is hereby authorized to open as public highway the said lands.

PASSED this day of A.D. 1993.

City Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 93-

**TO INCORPORATE BLOCK 46, PLAN 62M-688
WESTLAWN DRIVE**

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297 of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Westlawn Drive by incorporating within its limits the lands described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of Westlawn Drive.

Part of Parcel Reserves -1, Section 62M-688

All of Block 46, Plan 62M-688

City of Hamilton

Regional Municipality of Hamilton-Wentworth

Being Part of the Parcel.

2. The Commissioner of Transportation/Environmental Services or his duly authorized agent is hereby authorized to open as public highway the said lands.

PASSED this day of A.D. 1993.

City Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 93-

**TO INCORPORATE PART 2, 62R-12480
PUBLIC WALKWAY**

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297 of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as a Public Walkway by incorporating within its limits the lands described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of a Public Walkway.

Part of Lot 10, Concession 8 (formerly Township of Barton) designated as Part 2, Plan 62R-12480.

2. The Commissioner of Transportation/Environmental Services or his duly authorized agent is hereby authorized to open as public highway the said lands.

PASSED this day of A.D. 1993.

City Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 93-

To Amend By-law 92-278

To Authorize:

The construction of local improvements without petition under Section 12 of The Local Improvement Act of concrete sidewalk on the east side of UPPER PARADISE ROAD from Stone Church Road to approx. 187m southerly and from approx. 86m south of Skyview Drive to approx. 83m southerly, at a revised total estimated cost, as described in Schedule "A";

WHEREAS the Council of The Corporation of the City of Hamilton did adopt Item 25 of the 6th Report of the Transport & Environment Committee on May 12, 1992, authorizing the local improvement project at an estimated gross cost of \$27,700.00 with the City's Share being \$7,964.00 and the Owner's Share being \$19,736.00;

AND WHEREAS the Council of The Corporation of the City of Hamilton did adopt Item 4 of the 12th Report of the Finance & Administration Committee on May 12, 1992, authorizing the City's Share to be financed from the 1992 Capital Levy and recommending application to the Regional Municipality of Hamilton-Wentworth for issuance of debentures in the amount of \$19,736.00 for a term not to exceed 20 years;

AND WHEREAS the Ontario Municipal Board did, on the 28th day of August, 1992, issue Order No. E920755 approving the application of The Corporation of the City of Hamilton for:

- (a) the construction of certain works as local improvements on the initiative plan at a total estimated cost of \$27,700.00 and,
- (b) the issue by The Regional Municipality of Hamilton-Wentworth of debentures in the sum of \$19,736.00.

AND WHEREAS the Corporation of the City of Hamilton enacted By-law No. 92-278 on the 10th day of November, 1992 to authorize the said local improvement project, more specifically described in Schedule "A" annexed thereto and forming part of the by-law, at an estimated gross cost of \$27,700.00, with the City's Share being \$7,964.00 and the Owner's Share being \$19,736.00.

AND WHEREAS the Council of The Corporation of the City of Hamilton did adopt Item 29(i) of the 11th Report of the Transport & Environment Committee on October 27, 1992 increasing the City's Share from \$7,964.00 to \$27,964.00, as described in Schedule "A" annexed hereto;

AND WHEREAS the Council of The Corporation of the City of Hamilton did adopt Item 5(a) of the 21st Report of the Finance & Administration Committee on October 27, 1992 increasing the gross cost from \$27,700.00 to \$47,700.00 with an additional cost of the City's Share being \$20,000.00, as described in Schedule "A" annexed hereto.

AND WHEREAS the Ontario Municipal Board did, on the 24th day of December, 1992 issue Order No. E920755 approving the application of the City for an amendment to Order No. E920755 authorizing construction of the works more particularly described in Schedule "A" annexed hereto at a revised total estimated cost of \$47,700.00.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Section 1 of By-law No. 92-278 is hereby revoked and the following substituted therefor:
 - "1. The construction of the works more particularly described in Schedule "A" hereto annexed and forming part of this by-law, may be proceeded with under The Local Improvement Act, at an estimated cost not to exceed \$47,700.00."
2. Schedule "A" annexed to and forming part of By-law No. 92-278 is hereby revoked and Schedule "A" annexed hereto and forming part of this by-law is substituted therefor.
3. In all other respects, By-law No. 92-278 is hereby confirmed unchanged.

PASSED this day of , A.D. 1993.

City Clerk

Mayor

(1992) 6 R.T.E.C. 25, May 12
 (1992) 12 R.F.A.C. 4, May 12
 (1992) 11 R.T.E.C. 29, October 27
 (1992) 21 R.F.A.C. 5, October 27

SCHEDULE "A"

The construction of concrete sidewalk on the east side of UPPER PARADISE ROAD from Stone Church Road to approx. 187m southerly and from approx. 86m south of Skyview Drive to approx. 83m southerly at the costs not exceeding those set out below:

City's Share	\$ 27,964.00
--------------	--------------

Owners' Share	<u>19,736.00</u>
---------------	------------------

TOTAL ESTIMATED COST	<u>\$ 47,700.00</u>
----------------------	---------------------

Estimated Cost per metre frontage	\$ 80.00
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Fifteen (15) annual instalments

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 93 -

To Authorize:

1. The construction of local improvements without petition under Section 12 of The Local Improvement Act of concrete sidewalks on the south side of Limeridge Road from Upper Wellington Street to approx. 263m easterly and from approx. 376m east of Upper Wellington Street to approx. 69m easterly, as described in Schedule "A";
2. The special assessment to pay a portion of the cost of the works by the abutting owners;
3. The preparation of plans, specifications and reports and the supervision of the construction by the Senior Director of Roads.

WHEREAS the Council of The Corporation of the City of Hamilton did adopt Item 34 of the 8th Report of the Transport & Environment Committee on July 28, 1992;

AND WHEREAS the Council of The Corporation of the City of Hamilton did adopt Item 14 of the 15th Report of the Finance & Administration Committee on July 28, 1992;

AND WHEREAS the Council of The Corporation of the City of Hamilton did adopt item 29(iii) of the 11th Report of the Transport & Environment Committee on October 27, 1992 increasing the City's share from \$25,588.80 to \$35,588.80, as described in Schedule "A" annexed hereto;

AND WHEREAS the Council of The Corporation of the City of Hamilton did adopt Item 5(c) of the 21st Report of the Finance & Administration Committee on October 27, 1992 increasing the gross cost from \$50,000.00 to \$60,000.00 with an additional cost of the City's share being \$10,000.00, as described in Schedule "A" annexed hereto;

AND WHEREAS it is expedient to proceed without petition to undertake, as local improvements, the works hereinafter described;

AND WHEREAS notice of Council's intention to undertake the works as local improvements has been given by publication of the notice and by service of it upon the owners of the lots liable to be specially assessed under Section 12 of The Local Improvement Act, R.S.O. 1980;

AND WHEREAS a majority of the owners, representing at least one-half of the value of the lots that are liable to be specially assessed, have not, within one (1) month after publication, petitioned the Council not to proceed with the works;

AND WHEREAS the Council has obtained reports, estimates and statements required for the undertaking of the said works;

AND WHEREAS the Ontario Municipal Board did, on the 18th day of March, 1993, issue Order No. E930007 approving the application of The Corporation of the City of Hamilton for:

- (a) the construction of certain works as local improvements on the initiative plan at a total estimated cost of \$60,000.00 and,

- (b) the issue by The Regional Municipality of Hamilton-Wentworth of debentures in the sum of \$24,411.20.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The construction of the works more particularly described in Schedule "A" hereto annexed and forming part of this by-law, may be proceeded with under The Local Improvement Act, at an estimated cost not to exceed \$60,000.00.
2. The share or portion of the estimated cost of the works in the amount of \$24,411.20 to be borne by the owners of the lands abutting directly on the works and the estimated cost per metre shall be rated as set out in Schedule "A", provided that the actual rate per metre shall be specially assessed upon the lots abutting directly on the works and payable in equal annual instalments until fully paid.
3. Pending payment of the share or portion of the total cost referred to in Section 2, the said share or portion shall be financed by the issue of debentures by The Regional Municipality of Hamilton-Wentworth:
 - (a) to the extent sufficient to provide an amount not exceeding \$24,411.20;
 - (b) repayable over a term not exceeding twenty (20) years, chargeable to The Corporation of the City of Hamilton.
4. The Senior Director of Roads is hereby authorized to:
 - (a) prepare all necessary plans, specifications and reports required for the construction of the works; and,
 - (b) supervise construction of the works.
5. The Mayor and City Clerk are hereby authorized to execute, on behalf of The Corporation of the City of Hamilton, all contracts necessary for the construction of the works.

PASSED this day of , A.D. 1993.

CITY CLERK

MAYOR

1992) 8 R.T.E.C. 34, July 28
 (1992) 15 R.F.A.C. 14, July 28
 (1992) 11 R.T.E.C. 29(iii), October 27
 (1992) 21 R.F.A.C. 5(a), October 27

SCHEDULE "A"

The construction of concrete sidewalk on the south side of LIMERIDGE ROAD from Upper Wellington Street to approx. 263m easterly and from approx. 376m east of Upper Wellington Street to approx. 69m easterly at the costs not exceeding those set out below:

City's Share	\$ 35,588.80
Owners' Share	<u>24,411.20</u>
TOTAL ESTIMATED COST	<u>\$ 60,000.00</u>
Estimated Cost per metre frontage	\$ 80.00
Fifteen (15) annual instalments	

BY-LAW NO. 93 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 35 (Wheelchair Loading Zones)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following items, namely:-

"Glamis	East	22 feet	233 feet south of Gemini	8:00 a.m. to 6:00 p.m.
Jackson	North	30 feet	94 feet east of Hess	8:00 a.m. to 6:00 p.m.
				Monday to Friday
Wood	West	25 feet	100 feet south of Burlington	8:00 a.m. to 11:00 p.m.
Barons	East	18 feet	190 feet north of Main	7:00 a.m. to 6:00 p.m.
				Monday to Saturday".

2. **Schedule 29 (No Stopping Areas)** is hereby amended by deleting therefrom the following item, namely:-

"David - East Fennell to 124 feet south Anytime".

and by adding thereto the following item, namely:-

"Park West Bold to 92 feet north Anytime".

3. **Schedule 28 (Taxi Stands)** is hereby amended by adding thereto the following item, namely:-

"Currie West 60 feet 76 feet south of the south curb line of Dubarry".

PASSED this

day of

A.D. 1993.

CITY CLERK

MAYOR

BY-LAW NO. 93 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 27 (Alternate Side Parking)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following item, namely:-

***East 13th**
Inverness to Mountville

West

East[®].

PASSED this

day of

A.D. 1993.

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 93-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT PART OF MUNICIPAL NO. 96 MARY STREET
(BEASLEY PARK)

WHEREAS it is intended to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District provisions, as contained in Section 10 of Zoning By-law No. 6593, applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirements that,

(a) notwithstanding Section 10.(1) of By-law No. 6593, a public parking area, containing a maximum of five parking spaces, shall be permitted;

(b) Sections 18A.(1)(f), 18A.(11), 18A.(12) and 18A.(30) of By-law No. 6593 shall not apply.

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "D" District provisions, subject to the special requirements referred to in section 1.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1306.

4. Sheet No. E-4 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1306.

5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this

day of

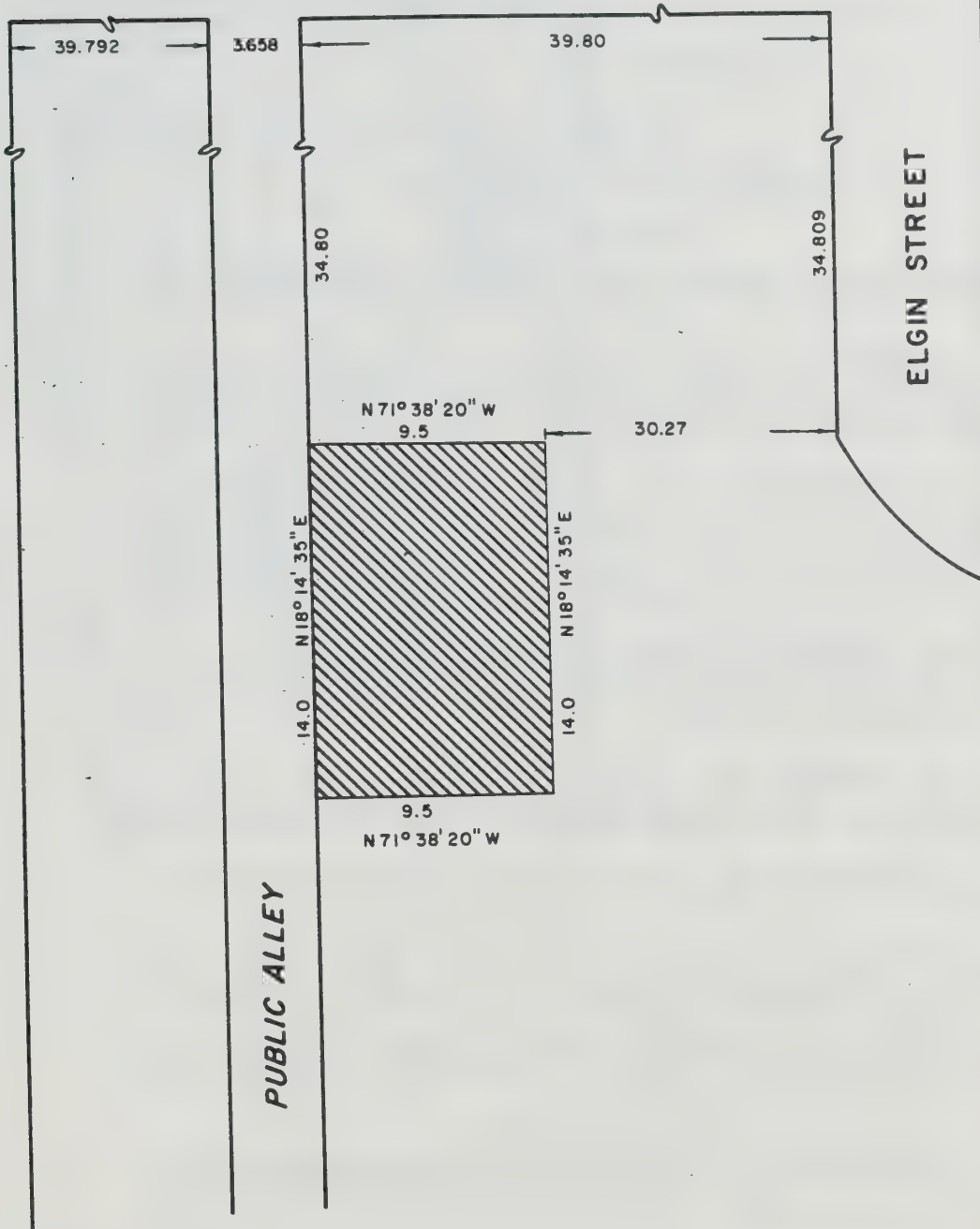
A.D. 1993.

City Clerk

Mayor

CANNON STREET EAST

MARY STREET



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 93 -
Passed the day of, 1993.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 93 -

to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Lands to be regulated by
By-Law No. 93 -

North



Scale
NOT TO SCALE

Date
MARCH 1993

Reference File No.
C.I. -92-H

Drawn By
Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 93-

To Amend:

Zoning By-law No. 6593
As Amended by By-law No. 92-003

Respecting:

LAND LOCATED AT MUNICIPAL NO. 1341 UPPER JAMES STREET

WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 92-003 on the 10th day of December 1991 to change the zoning and to establish special requirements under Section 19B of Zoning By-law No. 6593, for the "HH" District, in respect of the above-captioned lands, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A";

AND WHEREAS the Ontario Municipal Board by its Decision and Order (File No. R 920072), dated the 27th day of January 1993, directed that By-law No. 92-003 be amended to include the site plan, as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 92-003, passed on the 10th day December 1991, is amended by adding thereto Schedule "B", hereto annexed as Schedule "A" and forming part of this by-law.
2. In all other respects, By-law No. 92-003 is hereby confirmed, unchanged.

PASSED this day of A.D. 1993.

City Clerk

Mayor

The Corporation of the City of Hamilton

BY-LAW NO. 93-

To Amend:

Zoning By-law No. 6593
As Amended by Zoning By-law No. 92-305

Respecting:

LAND LOCATED AT MUNICIPAL NO. 860 UPPER WENTWORTH STREET

WHEREAS By-law No. 92-305, passed by the Council of The Corporation of the City of Hamilton on the 8th day of December 1992, rezoned the above-captioned lands from "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District (Block 1) and from "C" (Urban Protected Residential, etc.) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District (Block 2) and established special requirements with respect to the said lands, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A";

AND WHEREAS section 2(a) of By-law No. 92-305 provides that upon the applicant/owner applying for and receiving approval of a Site Plan, the 'H' symbol shall be removed by amendment to By-law No. 92-305;

AND WHEREAS the applicant has applied for and received approval of Site Plan Control Application DA-92-59 on the 22nd day of March 1993;

AND WHEREAS this by-law does not conflict with the intent of the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982;

AND WHEREAS City Council in adopting Item of the 7th Report of the Planning and Development Committee at its meeting held on the 13th day of April 1993, directed that By-law No. 92-305 be amended to remove the 'H' (Holding) symbol in respect of the above lands.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The 'H' (Holding) symbol affixed by By-law No. 92-305, passed on the 8th day of December 1992, to the "C" - 'H' (Urban Protected Residential, etc. - Holding) District designation of Blocks 1 and 2, the extent and boundaries of which are shown on a plan annexed as Schedule "A" to By-law No. 92-305 and forming part thereof, is hereby removed, and the development of the lands comprised in said Blocks 1 and 2 may proceed in accordance with the "C" District provisions of Zoning By-law No. 6593, subject to the special requirements referred to in section 3 of By-law No. 92-305.

2. Sheet No. E-18 of the District Maps, appended to and forming part of Zoning By-law No. 6593, as amended by section 1 of By-law No. 92-305, is further amended by changing from "C" - 'H' (Urban Protected Residential, etc. - Holding) District to "C" (Urban Protected Residential, etc.) District the lands comprised in Blocks 1 and 2, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" and forming part of this by-law.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "C" District provisions, subject to the special requirements referred to in section 3 of By-law No. 92-305.

4. By-law No. 6593, as amended by By-law No. 92-305, passed on the 8th day of December 1992, is further amended by adding this by-law to section 19B as Schedule S-1294a.

5. Sheet No. E-18 of the District Maps, as amended by By-law No. 92-305, passed on the 8th day of December 1992, is further amended by marking the lands referred to in section 1 of By-law No. 92-305 and section 1 of this by-law, S-1294a.

PASSED this day of A.D. 1993.

City Clerk

Mayor

(1993) 7 R.P.D.C. , April 13
 Rolanco Networking, Owner
 ZA-93-11

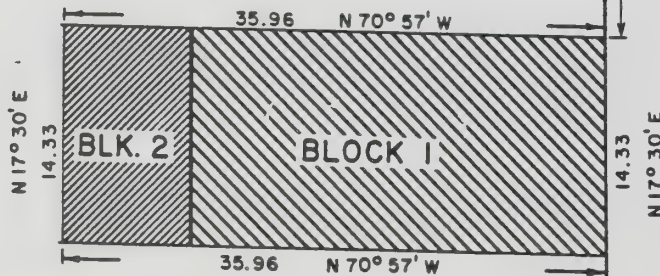
MOHAWK ROAD EAST

NORTH EAST CORNER
OF LOT 11 - CON. 6

8.23

215.11

UPPER WENTWORTH STREET



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 93 -
Passed the day of, 1993.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 93 -
to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

BLOCK 1



BLOCK 2



Lands to be regulated by
By-Law No. 93 -

North



Scale
NOT TO SCALE

Date
MARCH 1993

Reference File No.
ZA R-93-11

Drawn By
Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 93-

To Designate:

LAND LOCATED AT MUNICIPAL NO. 114 JOHN STREET NORTH

As Property of:

HISTORIC AND ARCHITECTURAL VALUE AND INTEREST

WHEREAS the Council of The Corporation of the City of Hamilton did give notice of its intention to designate the property mentioned in section 1 of this by-law in accordance with subsection 29(3) of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18;

AND WHEREAS no notice of objection was served on the City Clerk as required by subsection 29(5) of the said Act;

AND WHEREAS it is desired to designate the property mentioned in section 1 of this by-law in accordance with clause 29(6)(a) of the said Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The property located at Municipal No. 114 John Street North and more particularly described in Schedule "A" hereto annexed and forming part of this by-law, is hereby designated as property of historic and architectural value and interest.

2. The City Solicitor is hereby authorized and directed to cause a copy of this by-law, together with reasons for the designation set out in Schedule "B" hereto annexed and forming part of this by-law, to be registered against the property affected in the proper registry office.

3. The City Clerk is hereby authorized and directed,
(i) to cause a copy of this by-law, together with reasons for the designation, to be served on the owner and The Ontario Heritage Foundation by personal service or by registered mail;
(ii) to publish a notice of this by-law in a newspaper having general circulation in the Municipality of the City of Hamilton for three consecutive weeks.

PASSED this day of A.D. 1993.

City Clerk

Mayor

Schedule "A"

To

By-law No. 93-

114 John Street North, Hamilton, Ontario

In the City of Hamilton, The Regional Municipality of Hamilton-Wentworth, being composed of Lot 4 on the East Side of John Street, between Gore and Cannon Streets, in Nathaniel Hughson Survey,

COMMENCING at the south-west angle of said Lot 4, at a stone monument at the East side of John Street;

THENCE North Eighteen degrees East, (N.18°E.) Sixty-five and Thirty-four One Hundredths feet (65.34') more or less to a stone monument planted at the north-west angle of said Lot 4;

THENCE South Seventy-two degrees East, (S.72°E.) One Hundred and Fifty-five and Ten One Hundredths feet (155.10') more or less to a post planted at the north-east angle of said Lot 4;

THENCE South Eighteen degrees West, (S.18°W.) Sixty-five and Thirty-four One Hundredths feet (65.34') more or less to a post at the south-east angle of said Lot 4;

THENCE North Seventy-two degrees West, (N.72°W.) One Hundred and Fifty-five and Ten One Hundredths feet (155.10') more or less to the place of beginning.

THESE LANDS are intended to be all the lands as in Number 292733 N.S.;

AND the East limit of John Street mentioned herein is the East limit as confirmed by BA Plan Application Number 774, registered as 698 C.D.

Schedule "B"

to

By-law 93 -

Stewart Memorial Church

114 John Street North

Historical Significance

A landmark for Hamilton's Black community, Stewart Memorial Church on John Street North has a distinguished history as the city's oldest surviving Black congregation. With the influx of fugitive slaves into Upper Canada from the 1820s onward, emerged distinctive Black communities. For these early settlers, the church became a central focus, fulfilling both religious and social needs. By the late 1830s, Hamilton's Black population was large enough to support the establishment of both a Baptist and a Methodist church (the only denominations to establish churches specifically for Blacks). The earliest is believed to be *St. Paul's African Methodist Episcopal (AME) Church*, founded in 1835 under the authority of the (American) African Methodist Episcopal Body and situated in the north-east section of town, where the highest concentration of Blacks lived. According to the historical account passed on orally from generation to generation, the congregation was first housed on Rebecca Street in a small log structure, which was later replaced by a larger building. This location was, however, abandoned in 1879 when the structure was badly damaged by fire and the present church building, formerly occupied by the Methodist Episcopal congregation, was acquired.

Faced with financial difficulties during the Depression years, St. Paul's AME Church was saved from closure through the efforts of its congregation and Reverend J.C. Holland. The decision made in 1937 to sever ties with the Mother Body resulted in the formation of a non-denominational Black church named *Stewart Memorial Church* in honour of Reverend C.A. Stewart, whose death in 1936 ended many years of dedicated service to the congregation of St. Paul's. His successor Reverend Holland was voted Hamilton's "Citizen of the Year" in 1953, in recognition of his instrumental role in keeping the church open and long service to the church and community (1936-54).

Architectural Significance

The building now occupied by Stewart Memorial was erected in 1848 to serve as the Methodist Episcopal Church. Originally a simple frame structure with clapboard siding and a front-gabled roof, the building was substantially altered in the first decade of this century. According to available documentation, the original structure was reclad with brick masonry and the facade remodelled in the Gothic Revival style (circa 1905). Characteristic features include the pointed-arched window and door openings, the blind oculus in the gable front, and the flanking buttresses with tall pinnacles. Extensive interior renovations completed in 1908 included the installation of semi-circular pews, chandeliers (since removed) and an attractive, pressed-metal ceiling with Gothic-inspired, patterned tiles. Further renovations in the 1950s resulted in the removal of the original altar, certain elements of which have been preserved by the congregation.

Context

Situated on the east side of John Street North in the centre of the block between Wilson and Cannon, Stewart Memorial Church is located within a mixed commercial/ residential area, where buildings are now interspersed with expanses of vacant land. Standing opposite a large parking lot, the church today has a highly visible presence on the street.

In the early twentieth century, St. Paul's AME Church formed part of a continuous streetscape comprising a mix of houses, industrial buildings and churches (including the Methodist Episcopal Church built in 1878 at the south-west corner of John and Wilson).

Designated Features

Important to the preservation of Stewart Memorial Church are the original features of:

- the west (front), north and south facades, including the brick masonry with its decorative arches and detailing, the buttresses and pinnacles, and the door and window openings (excluding the modern doorway and windows).
- the sanctuary space, including the decorative pressed-metal ceiling and curved wood pews.

The Corporation of the City of Hamilton

BY-LAW NO. 93-

To Authorize an Amendment to:

**THE CONSTRUCTION OF A SENIOR CITIZEN'S CENTRE
AT SACKVILLE HILL MEMORIAL PARK**

WHEREAS by Order dated the 8th day of February 1991, The Ontario Municipal Board approved the construction of a Senior Citizen's Centre at Sackville Hill Memorial Park and the issuance of debentures in the amount of \$3,500,000.00;

AND WHEREAS the Council of The Corporation of the City of Hamilton enacted By-law No. 91-058 on March 26, 1991 to authorize the construction of a Senior Citizen's Centre at Sackville Hill Memorial Park at a gross cost of \$3,500,000.00;

AND WHEREAS the Council of The Corporation of the City of Hamilton in adopting Item 33 of the 14th Report of the Finance and Administration Committee at its meeting held on the 30th day of June, 1992, authorized a change in the gross cost and the debentured amount of this project;

AND WHEREAS Ontario Regulation 710/92 enacted under the authority of the Municipal Act, R.S.O. 1990, Chapter M.45, establishes a limit for a municipality's debt obligations which do not require the approval of the Ontario Municipal Board;

AND WHEREAS the financial commitments, liabilities and debt charges of the project listed below and The Corporation of the City of Hamilton's other debts and debt charges will not exceed the City's debt limit as specified by the Municipal Act and Regulation 710/92;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. The construction of a Senior's Centre at Sackville Hill Memorial Park may proceed as described in Schedule "A" attached to and forming part of this By-law at the gross cost of \$3,694,000. The debentured amount of this project is decreased to \$3,219,000.00.

2. The City Treasurer is authorized to arrange the issuance of the necessary debentures to a maximum of \$3,219,000.00 for a term not to exceed twenty years by The Regional Municipality of Hamilton-Wentworth and chargeable to the City.

3. The proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all such things necessary to give effect to this By-law.

PASSED this day of , 1993.

City Clerk

Mayor

SCHEDULE "A" TO BY-LAW 93-

<u>Project</u>	<u>Gross Cost</u>	<u>Receipts & Subsidies</u>	<u>Debenture Amount</u>	<u>Term of Debenture</u>
1) Sackville Hill Senior Citizens' Centre	\$3,694,000	\$ 475,000	\$3,219,000	20 years

The Corporation of the City of Hamilton

BY-LAW NO. 93-

To Amend By-law 79-144 Respecting:

CLASS "H" ADULT ENTERTAINMENT PARLOUR LICENCES

WHEREAS the Corporation of the City of Hamilton enacted By-law 79-144 to licence Adult Entertainment Parlours;

AND WHEREAS it is desirable to reduce the number of available Class "H" licences and provide for further reduction of the number of Class "H" licences;

AND WHEREAS it is desirable to apply the restrictions on locating near residential and other prohibited areas to any location previously used as a Class "H" adult entertainment parlour;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law 79-144, as amended in By-laws 87-323 and 88-68, is hereby further amended as follows:

(a) Subsection 2(1) of By-law 79-144, as amended in By-laws 87-323 and 88-68, is further amended by deleting from the beginning of the subsection, the words "Subject to subsections 3, 4, and 4a".

(b) Subsections 2(4) and (5) of By-law 79-144, as added by By-law 87-323 and amended in By-law 88-68, are repealed and replaced with the following:

"(4) No person shall operate a Class "H" adult entertainment parlour in a permitted area unless:

(a) The Class "H" adult entertainment parlour is located on a lot having a minimum radial separation distance of 500 metres from the lot line to the lot line of every lot in an area listed in Schedule 4, or to the lot line of every lot in any residential district as provided and described in Zoning By-law No. 6593 as amended, or

(b) The Class "H" adult entertainment parlour is licensed and in operation on the day that this subsection comes into force and effect and so long as it continues to be so licensed."

"(5) Subject to (6), the total number of Class "H" licences to be granted under this by-law is 4."

(c) Section 2 of By-law 79-144 is further amended by adding the following at the end of section 2, as subsection (6):

"(6) The total number of Class "H" licences to be granted under this by-law shall be reduced from 4, as Class "H" licences expire without renewal by the licence holder or as the licences are otherwise surrendered or lawfully revoked, until the number of licences is reduced to 2."

2. In all other respects By-law 79-144 as amended is confirmed without change.

3. This By-law comes into force and effect on the date of enactment.

PASSED this day of A.D. 1993.

City Clerk

Mayor

BY-LAW NO. 93 -

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 13TH DAY OF APRIL A.D., 1993.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 13th

day of April

A.D. 1993

CITY CLERK

MAYOR

URBAN/MUNICIPAL

CA4 ON HBL AOS

A31

1993



MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON

Tuesday, 1993 April 27
7:30 o'clock p.m.
Council Chambers, City Hall

J. J. Schatz
City Clerk

AGENDA

1. *National Anthem*

2. *Opening Prayer*

Father Ted Slaman
Annunciation of Our Lord

3. *Introduction*

Co-Chairs of Hamilton Sesquicentennial Committee

4. *Proclamations*

- (a) "The Salvation Army Red Shield Month" - Month of May 1993
- (b) "Arbour Week" - 1993 April 30th to 1993 May 9th
- (c) "Battle of Atlantic" (1939-1945) - 50th Anniversary, 1943 May 1

URBAN MUNICI
APR - 1993
GOVERNMENT DOCUMENTS

5. *Minutes*

1993 April 13

6. *Petitions and Correspondence*

7. *Reports of the Standing Committees*

(b) *Parks and Recreation Committee*

(c) *Planning and Development Committee*

(h) *Finance and Administration Committee*

8. *Notices of Motion for Next Meeting*

9. *First Reading of the Bills*

10. *Second Reading of the Bills - Committee of the Whole*

11. *Third Reading of the Bills*

12. *Question Period*

13. *Adjournment.*

M I N U T E S

Minutes of Hamilton City Council
1993 April 13
7:30 o'clock p.m.
Council Chambers, City Hall

The Council met:

Present: Mayor Robert M. Morrow
Aldermen Cooke, Kiss, Agro, McCulloch, Morelli, Drury, Copps, Wilson,
Agostino, Eisenberger, Charters, Jackson, Anderson, Ross, D'Amico.

Absent: Alderman H. Merling, vacation

Mayor R. M. Morrow called the meeting to order.

* * * * *

The National Anthem was played.

* * * * *

Reverend Alan Craig led Council in Prayer.

* * * * *

Mayor R. M. Morrow presented a Certificate of Recognition to Mr. George Love, President, Barn Fruit Markets Inc. and its parent company G.A. Love Foods Inc. in recognition of being in business in the community for 35 years.

* * * * *

The minutes of the Regular meeting of 1993 March 30 and the Special meeting of 1993 April 8, were adopted as circulated.

CORRESPONDENCE

1. Letter dated 1993 March 31 from Robert Leggat, Burlington, Ontario for a change in zoning from "AA" (Agricultural) District to "DE-2" (Multiple Dwellings) District for lands located at the North-West corner of Upper Gage Avenue and Limeridge Road East, Hamilton, Ontario.

Received.

2. Letter dated 1993 April 5 from Messrs. Frank Toth and Tony DiFranco and Mr. Angelo Cocca, Hamilton, Ontario for a change in zoning from "AA" (Agricultural) District to "B-2" (Suburban Residential) District modified (Block "1") and "C" (Urban Protected Residential, etc.) District (Block "2"), for properties at the rear of Nos. 478 and 488 Rymal Road East, Hamilton, Ontario.

Received.

3. Petition dated 1993 April 7 in opposition to amended Zoning Application 92-54 for properties known as 1854-1856 and 1868 Main Street West, Hamilton.

Received.

4. Petition dated 1993 April 12 in opposition to the narrowing of Sanders Boulevard.

Received.

* * * * *

1993 April 13

It was moved by Alderman Cooke and seconded by Alderman Kiss that the Reports of the Transport and Environment Committee, the Planning and Development Committee, and the Finance and Administration Committee, be now considered in Committee of the Whole with Alderman Ross in the Chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -16.

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE - FOURTH REPORT
--

Section 36 Re: By-law to widen and alter Mount Albion Rd in order to provide a left turn lane

It was moved by Alderman Agostino and seconded by Alderman Eisenberger that Section 36 of the Fourth Report of the Transport and Environment Committee for 1993 previously approved by City Council at this meeting be reconsidered. **CARRIED.**

Note: Following reconsideration, Section 36 was defeated.

* * * * *

Section 37 Re: Narrowing of Sanders Blvd. - West Park Ave to Norfolk St - in conjunction with the 1993 Reconstruction Programme

It was moved by Alderman Kiss and seconded by Alderman Cooke that the Fourth Report of the Transport and Environment Committee for 1993 be amended by deleting Section 37 in its entirety and substituting in lieu thereof the following:

37. That approval be given to proceed with the reconstruction of Sanders Blvd. between West Park Avenue to Norfolk Street in conjunction with the 1993 Reconstruction Programme in its existing width and that staff be authorized to consider appropriate streetscape improvements which can be accumulated within the 1% allocated for such purposes. **CARRIED.**

* * * * *

Section 38 (c) i and (d) Re: Mount Albion Rd - widening to provide a left hand turn lane

It was moved by Alderman Agostino and seconded by Alderman Eisenberger that Section 38 of the Fourth Report of the Transport and Environment Committee for 1993 be amended by deleting Sub-Sections "(c) i and (d)". **CARRIED.**

* * * * *

Section 38 (c) ii Re: Sanders Blvd. - Road Narrowing

It was moved by Alderman Kiss and seconded by Alderman Cooke that Section 38 of the Fourth Report of the Transport and Environment Committee for 1993 be amended by deleting Sub-Section (c) ii: **CARRIED.**

TRANSPORT AND ENVIRONMENT COMMITTEE - FIFTH REPORT

PLANNING AND DEVELOPMENT COMMITTEE - SEVENTH REPORT

Section 6 Re: Zoning Application 92-54 - 1868 Main Street West

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. - 15.

NAYS: Alderman Kiss -1.

CARRIED.

**RESOLUTION PREVIOUSLY APPROVED
PLANNING AND DEVELOPMENT COMMITTEE - SIXTH REPORT**

Section 15 Re: Zoning Application 92-53 - 1314 Upper Wentworth Street

It was moved by Alderman Anderson and seconded by Alderman Drury that Section 15 of the Sixth Report of the Planning and Development Committee for 1993 regarding Zoning Application 92-53 to permit a butcher shop as an additional permitted use within the existing building at 1314 Upper Wentworth Street adopted by City Council at its meeting held 1993 March 30 and which reads as follows, **be reconsidered:**

15. That **approval** be given to Zoning Application 92-53, 518374 Ontario Limited, (Angello Papastamos), owner, requesting a further modification to the established "AA" (Agricultural) District regulations, to permit a butcher shop as an additional permitted use within the existing building, on property located at No. 1314 Upper Wentworth Street, as shown on the attached map marked as Appendix "F", on the following basis:

- (a) That the "AA" (Agricultural) District regulations as contained in Section 7A of Zoning By-law No. 6593, as amended by By-law No. 92-075, applicable to the subject lands, be further amended as follows:
 - i. That Section 1.(a)(i) Commercial Uses, of By-law 92-075 be amended by adding the words "including an accessory butcher shop" after "a retail variety store" so that the Section reads as follows:

"(i) Commercial Uses:

 - 1. a retail variety store including an accessory butcher shop;
 - 2. a business and professional person's office,

within the building existing on the day of the passing of this by-law;"
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1158a, and that the subject lands on Zoning District E-18C be notated S-1158a;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18C for presentation to City Council;
- (d) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area. **CARRIED.**

* * * * *

Section 15 Re: Zoning Application 92-53 - 1314 Upper Wentworth Street

It was moved by Alderman Anderson and seconded by Alderman Drury that Section 15 of the Sixth Report of the Planning and Development Committee for 1993 regarding Zoning Application 92-53 respecting 1314 Upper Wentworth Street be referred back to the Planning and Development Committee. **CARRIED.**

FINANCE AND ADMINISTRATION COMMITTEE - EIGHTH REPORT

Section 18 Re: Construction Contract - Huntington Park Recreation Centre

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Agostino, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -14.

NAYS: Aldermen Copps, Wilson. -2. **CARRIED.**

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the the Planning and Development Committee, and the Finance and Administration Committee, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -16.

NAYS: -0. **CARRIED.**

ADOPTION OF BILLS

It was moved by Alderman Cooke and seconded by Alderman Kiss that the following Bills be now read a first time:

A-21, A-22, A-23, A-26, A-27, A-28, A-29, A-30, A-31, A-32, A-33, A-34, A-35.
C-31, C-32, C-33, C-34.
H-23, H-24, H-25.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -16.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss that Council move into Committee of the Whole to consider the following Bills, with Alderman Ross in the chair. (second reading).

A-21, A-22, A-23, A-26, A-27, A-28, A-29, A-30, A-31, A-32, A-33, A-34, A-35.
C-31, C-32, C-33, C-34.
H-23, H-24, H-25.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -16.

NAYS: -0.

CARRIED.

* * * * *

Consideration of the Bills (second reading).

* * * * *

It was moved by Alderman Cooke seconded by Alderman Kiss that the Report of the Committee of the Whole on the following Bills, be adopted. -

A-21, A-22, A-23, A-26, A-27, A-28, A-29, A-30, A-31, A-32, A-33, A-34, A-35.
C-31, C-32, C-33, C-34.
H-23, H-24, H-25.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -16.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss that the following Bills, be now read a third time, signed, sealed and enrolled as By-laws:

A-21, A-22, A-23, A-26, A-27, A-28, A-29, A-30, A-31, A-32, A-33, A-34, A-35.
C-31, C-32, C-33, C-34.
H-23, H-24, H-25.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -16.

NAYS: -0.

CARRIED.

1993 April 13

* * * * *

City Council then adjourned at 8:10 o'clock p.m.

* * * * *

Taken as read and approved.

Mayor R. M. Morrow

J. J. Schatz, City Clerk
1993 April 13

CORRESPONDENCE

Correspondence:

1. Letter dated 1993 April 15 from R. Scott Smith, Secretary to the Board, The Hamilton Harbour Commissioners, Hamilton, Ontario for amendments to Hamilton Harbour Cargo Rates Tariff, PC.1990-1592.

Recommendation:

**Be Referred to the Transport
and Environment Committee.**

2. Letter dated 1993 April 15 from DiCenzo Construction Company Limited, Hamilton, Ontario for a change in Zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for lands located east of DiCenzo Drive and south of Stone Church Road East, Hamilton, Ontario.

Recommendation:

Be Received.

605 James St. N.
Hamilton, Ontario, Canada
L8L 1K1

Hamilton 525-4330
Toronto 1-800-263-2131
Telex 061-8638

Fax Numbers
Administration 528-6282
Terminal 525-7258



April 15, 1993

VIA COURIER

The Corporation of the City of Hamilton
City Clerk's Office
71 Main Street West
Hamilton, Ontario
L8N 3T4

Attention: Mr. J. J. Schatz
City Clerk

Dear Sir,

RE: AMENDMENTS TO HAMILTON HARBOUR CARGO RATES TARIFF, P.C.1990-1592

Attached hereto for your information is a true copy of a resolution passed by the Board of Commissioners on April 15, 1993, respecting minor grammatical and french translation changes to the Hamilton Harbour Cargo Rates Tariff, P.C.1990-1592. The amendments do not affect the intent or operational aspect of the By-law.

These amendments are served upon you pursuant to section 20(2) of the Hamilton Harbour Commissioners' Act.

Kindly acknowledge receipt of these materials, in writing.

Yours truly,
THE HAMILTON HARBOUR COMMISSIONERS

R. Scott Smith
Secretary to the Board

RSS:ah

OFFIC

APR 15 1993

REC. BY *as* DATE

REF'D. TO DATE

REF'D. TO DATE

REF'D. TO DATE

ACTION:

Submitted for the consideration of the Board was a copy of correspondence received from the Canadian Coast Guard, Harbours & Ports, respecting minor and errata amendments to the Hamilton Harbour Commissioners' Hamilton Harbour Cargo Rates Tariff By-Law, P.C. 1990-1592, as requested by the Standing Joint Committee of the Senate and the House of Commons for the Scrutiny of Regulations.

The Board was informed that the proposed amendments are minor grammatical and French translation changes which do not affect the intent or operational aspects of the Cargo Rates Tariff By-Law. These amendments have arisen as a result of the Standing Joint Committee's review of the Hamilton Harbour Cargo Rates Tariff By-Law, confirmed by the Governor General in Council on July 27, 1990. It was recommended that the amendments to the Cargo Rates Tariff By-Law, as submitted, be approved.

Following discussion, it was the view of the Board that the proposed amendments to the Hamilton Harbour Cargo Rates Tariff By-Law were minor in nature and did not affect the intended regulation and control exercised by the by-law.

It was therefore:

MOVED BY Commissioner D. M. Beattie
SECONDED BY Commissioner P. J. Peterson

BE IT RESOLVED:

THAT the minor and errata amendments to the Hamilton Harbour Cargo Rates Tariff By-Law, P.C. 1990-1592 as detailed in Schedule "A" attached hereto, be approved and adopted and the by-law be amended accordingly;

AND THAT the Secretary to the Board of Commissioners be directed to serve upon the City Clerk of Hamilton, a certified copy of the amendments to the Hamilton Harbour Cargo Rates Tariff By-Law pursuant to section 20(2) of the Hamilton Harbour Commissioners' Act.

CARRIED.

SCHEDULE A

SCHEDULE II
(SUBSECTION 2(2))

HAMILTON HARBOUR COMMISSIONERS' ACT

Hamilton Harbour Cargo Rates Tariff By-law
(SOR/90-452)

1. Subsection 3(2) of the English version is revoked and the following substituted therefor:

"(2) For the purpose of calculating the cargo rates, goods set out in column I of an item of Schedule 2 that have a volume set out in column II of that item are deemed to have the weight set out in column III of that item."

2. Paragraph 5(1)(a) of the English version is revoked and the following substituted therefor:

"(a) prior to departure, have delivered to the office of the Corporation a correct report of the vessel giving a full description of the weight, value and measure of the vessel's outward cargo and the name of the consignee thereof, and including".

3. Subsection 7(2) is revoked and the following substituted therefor:

"(2) Cargo rates shall not be refunded pursuant to subsection (1) unless application for the refund is made within seven days of the delivery of the report and manifest referred to in subsection 5(3)."

ANNEXE II
(paragraphe 2(2))

LOI DES COMMISSAIRES DU HAVRE DE HAMILTON

Règlement sur le tarif des droits du havre de Hamilton
DORS/90-452)

1. Le paragraphe 3(2) de la version anglaise est abrogée et remplacé par ce qui suit:

<<(2) For the purpose of calculating the cargo rates, goods set out in column I of an item of Schedule II that have a volume set out in column II of that item are deemed to have the weight set out in column III of that item.>>

2

2. L'alinéa 5(1)(a) dans la version anglaise est abrogé et remplacé par ce qui suit:

<<(a) prior to departure, have delivered to the office of the Corporation a correct report of the vessel giving a full description of the weight, value and measure of the vessel's outward cargo and the name of the consignee thereof, and including>>

3. Le paragraphe 7(2) est abrogé et remplacé par ce qui suit:

<<(2) Les droits de cargaison ne sont remboursés conformément au paragraphe (1) que si la demande de remboursement est faite dans les sept jours suivant la remise du rapport et du manifeste visés au paragraphe 5(3).>>

Registration
SOR/90-452 27 July, 1990

HAMILTON HARBOUR COMMISSIONERS' ACT

Hamilton Harbour Cargo Rates Tariff By-law

P.C. 1990-1592 27 July, 1990

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, pursuant to section 20 of the Hamilton Harbour Commissioners' Act*, is pleased hereby to confirm the By-law made by the Hamilton Harbour Commissioners on August 22, 1989, and served upon the Clerk of the City of Hamilton on August 23, 1989, revoking the Hamilton Harbour Cargo Rates Tariff By-law, C.R.C., c. 893, and making the annexed By-law respecting the tariff of cargo rates applicable at the Harbour of Hamilton, Ontario, in substitution therefor.

BY-LAW RESPECTING THE TARIFF OF CARGO RATES APPLICABLE AT THE HARBOUR OF HAMILTON, ONTARIO

Short Title

1. This By-law may be cited as the *Hamilton Harbour Cargo Rates Tariff By-law*.

Interpretation

2. In this By-law,
"general cargo" means all cargo not carried in bulk, that is, all cargo not carried loose or in mass. (*marchandises diverses*)
"harbour" means the harbour of Hamilton. (*havre*)

Cargo Rates and Weights

3. (1) The cargo rates payable in respect of an item set out in column I of an item of Schedule I are the rates set out in column II of that item.

(2) For the purpose of calculating the cargo rates, goods set out in column I of an item of Schedule II that has a volume set out in column II of that item is deemed to have the weight set out in column III of that item.

Terms and Conditions

4. (1) The owner, master, or person in charge of every vessel arriving in the Harbour shall

(a) forthwith and before the vessel breaks bulk, have delivered to the office of the Corporation a report of the arrival of the vessel, including

* S.C. 1912, c. 98

Enregistrement
DORS/90-452 27 juillet 1990

LOI DES COMMISSAIRES DU HAVRE DE HAMILTON

Règlement sur le tarif des droits de cargaison du havre de Hamilton

C.P. 1990-1592 27 juillet 1990

Sur avis conforme du ministre des Transports et en vertu de l'article 20 de la Loi des commissaires du havre de Hamilton*, il plaît à Son Excellence le Gouverneur général en conseil de ratifier le règlement établi par les commissaires du havre de Hamilton le 22 août 1989 et signifié au greffier de la ville de Hamilton le 23 août 1989, en vue d'abroger le Règlement sur le tarif des droits de cargaison du port de Hamilton, C.R.C., ch. 893, et de prendre en remplacement le Règlement concernant le tarif des droits de cargaison applicables au havre de Hamilton (Ontario), ci-après.

RÈGLEMENT CONCERNANT LE TARIF DES DROITS DE CARGAISON APPLICABLES AU HAVRE DE HAMILTON (ONTARIO)

Titre abrégé

1. *Règlement sur le tarif des droits de cargaison du havre de Hamilton.*

Définitions

2. Les définitions qui suivent s'appliquent au présent règlement.
«marchandises diverses» Marchandises non transportées en vrac. (*general cargo*)
«havre» Le havre de Hamilton. (*harbour*)

Droits de cargaisons et poids

3. (1) Les droits de cargaison exigibles à l'égard de marchandises figurant à la colonne I de l'annexe I sont ceux prévus à la colonne II de cette annexe.

(2) Aux fins du calcul des droits de cargaison, des marchandises figurant à la colonne I de l'annexe II, dont le volume est précisé à la colonne II de cette annexe, sont censées avoir le poids indiqué à la colonne III de la même annexe.

Termes et conditions

4. (1) Le propriétaire, le capitaine ou la personne ayant la charge du navire qui arrive dans le havre doit :

a) faire remettre sans délai au bureau de la Corporation, avant la rupture de charge du navire, un rapport de l'arrivée du navire qui contient les renseignements suivants :

* S.C. 1912, ch. 98

- (i) a description of the rig of the vessel, its tonnage and draught,
- (ii) the name of the vessel and of its master or captain,
- (iii) the date and place of departure of the vessel,
- (iv) the name of the pilot of the vessel, if any,
- (v) the number of persons employed on the vessel,
- (vi) the number of passengers carried on the vessel, and
- (vii) a description in detail of the inward cargo of the vessel, the weight, value and measure thereof and the name of the consignee thereof; and

(b) pay all rates in respect of the cargo to the Corporation.

(2) The report referred to in paragraph (1)(a) shall be in a form approved by the Corporation and signed by the master or person in charge of the vessel, as the case may be.

(3) The owner, master or person in charge of every vessel arriving in the harbour shall, forthwith on the arrival of the vessel, have delivered to the office of the Corporation one copy of the manifest of the vessel giving a full description of the inward cargo, the weight, value and measure thereof and the name of the consignee thereof.

5. (1) The owner, master or person in charge of every vessel departing the harbour shall

(a) prior to departure, have delivered to the office of the Corporation a correct report of the vessel giving a full description of the weight, value and measure, the vessels outward cargo and the name of the consignee thereof, including

- (i) a description of the rig of the vessel, its tonnage and draught,
- (ii) the name of the vessel and of its master or captain,
- (iii) the place for which the vessel is departing,
- (iv) the name of the pilot of the vessel, if any,
- (v) the number of persons employed on the vessel, and
- (vi) the number of passengers carried on the vessel; and

(b) pay all rates in respect of the cargo of the vessel to the Corporation.

(2) The report referred to in paragraph (1)(a) shall be in a form approved by the Corporation and signed by the master or person in charge of the vessel, as the case may be.

(3) The owner, master or person in charge of every vessel leaving the harbour shall, prior to the departure of the vessel, have delivered to the office of the Corporation one copy of the manifest of the vessel, giving a full description of the outward cargo, the weight, value and measure thereof and the name of the consignee thereof.

6. All cargo rates and fines related to a vessel shall be paid or secured to the satisfaction of the Corporation before that vessel leaves the harbour.

7. (1) On production of proof satisfactory to the Corporation that any goods, wares or merchandise were landed at or deposited in the harbour by water for transshipment by water and that those goods, wares or merchandise have, within a period of six months after the date of receipt thereof, actually been shipped from the harbour by water and have not in the interval

(i) la description du gréement du navire, sa jauge et son tirant d'eau,

(ii) le nom du navire et celui de son capitaine,

(iii) le lieu et la date de l'appareillage,

(iv) le nom du pilote du navire, s'il y a lieu,

(v) le nombre d'employés à bord du navire,

(vi) le nombre de passagers transportés à bord du navire,

(vii) une description détaillée de la cargaison d'entrée du navire, son poids, sa quantité ou sa mesure et sa valeur ainsi que le nom du destinataire;

b) payer à la Corporation les droits de cargaison.

(2) Le rapport visé à l'alinéa (1)a) est rédigé en la forme approuvée par la Corporation et est signé par le capitaine ou la personne ayant la charge du navire.

(3) Le propriétaire, le capitaine ou la personne ayant la charge du navire qui arrive dans le havre doit sans délai faire remettre au bureau de la Corporation, une copie du manifeste donnant la description complète de la cargaison d'entrée, son poids, sa quantité ou sa mesure et sa valeur, ainsi que le nom du destinataire.

5. (1) Le propriétaire, le capitaine ou la personne ayant la charge du navire qui quitte le havre doit :

a) faire remettre au bureau de la Corporation, avant le départ du navire, un rapport exact sur le navire, indiquant le poids, la quantité ou la mesure et la valeur de la cargaison de sortie, ainsi que le nom du destinataire, et contenant les renseignements suivants :

(i) la description du gréement du navire, sa jauge et son tirant d'eau,

(ii) le nom du navire et celui de son capitaine,

(iii) la destination du navire,

(iv) le nom du pilote du navire, s'il y a lieu,

(v) le nombre d'employés à bord du navire,

(vi) le nombre de passagers transportés à bord du navire;

b) payer à la Corporation les droits de cargaison.

(2) Le rapport visé à l'alinéa (1)a) est rédigé en la forme approuvée par la Corporation et est signé par le capitaine ou la personne ayant la charge du navire.

(3) Le propriétaire, le capitaine ou la personne ayant la charge du navire qui quitte le havre doit, avant le départ, faire remettre au bureau de la Corporation une copie du manifeste donnant la description complète de la cargaison de sortie, son poids, sa quantité ou sa mesure et sa valeur, ainsi que le nom du destinataire.

6. Tous les droits de cargaison et amendes afférents à un navire doivent être acquittés ou garantis à la satisfaction de la Corporation avant que le navire quitte le havre.

7. (1) Sur présentation des justificatifs, que la Corporation juge satisfaisants, démontrant que des marchandises ont été débarquées ou déposées dans le havre par eau en vue de leur transbordement par eau et qu'elles ont, dans les six mois suivant la date de leur réception, effectivement été expédiées du havre par eau, sans subir de transformation de forme ou de composition dans l'intervalle, la Corporation peut, sur

been altered in form or composition, the Corporation, on written application therefor, may refund all cargo rates paid in respect of the goods.

(2) Cargo rates shall not be refunded pursuant to subsection (1) unless an application for the refund is made in writing within seven days after the delivery of the manifest referred to in subsection 4(3) or the report referred to in paragraph 5(1)(a) of the outward movement of the vessel.

8. Accounts for cargo rates shall not be adjusted unless an application for the adjustment is made in writing within 15 days after the payment of the account and the application is accompanied by the original receipt.

9. No person shall present to the Corporation any report, manifest, bill of lading, or other document related to the cargo or vessel that is incorrect in any material particular that might be used for calculating any rate or charge payable to the Corporation, or any refund or adjustment of rates paid.

10. Every person who infringes any provision of this By-law is guilty of an offence and is liable on summary conviction to a fine not exceeding 50 dollars or to imprisonment not exceeding 30 days and, where a fine is imposed but not paid forthwith, is liable to imprisonment for a term not exceeding 60 days or a term expiring on the day on which the fine is paid, whichever is the shorter period.

demande écrite, rembourser tous les droits de cargaison qui ont été payés relativement à ces marchandises.

(2) Les droits de cargaison ne sont remboursés conformément au paragraphe (1) que si la demande de remboursement est faite par écrit dans les sept jours suivant la remise du manifeste visé au paragraphe 4(3) ou du rapport visé à l'alinéa 5(1)a).

8. Un compte de droits de cargaison n'est rectifié que si une demande à cet effet, accompagnée du reçu original, est présentée par écrit dans les 15 jours suivant le paiement du compte.

9. Il est interdit de présenter à la Corporation des rapports, manifestes, connaissements ou autres documents afférents à la cargaison ou au navire dans lesquels les données susceptibles d'entrer dans le calcul des droits à payer à la Corporation, des remboursements ou des rectifications des droits payés comportent des inexactitudes.

10. Quiconque contrevient au présent règlement est coupable d'une infraction et est passible, sur déclaration de culpabilité par procédure sommaire, d'une amende maximale de cinquante dollars ou d'un emprisonnement maximal de 30 jours; lorsqu'une amende est imposée mais n'est pas payée sur le champ, le contrevenant est passible d'un emprisonnement prenant fin le jour du paiement de l'amende, jusqu'à concurrence de 60 jours.

SCHEDULE I (Section 3)

Item	Column I Goods	Column II Rates
1.	Automobiles, trucks and tractors	\$.7107 per vehicle
2.	Beer, ale and porter	1.2751 per tonne
3.	Cement	.3431 per tonne
4.	Coal—Anthracite	.0967 per tonne
5.	Coal—Bituminous	.0967 per tonne
6.	Containers, exclusive of contents, (a) not exceeding 7.62 metres in length; and (b) exceeding 7.62 metres in length	2.5054 per container
7.	Coke	.1671 per tonne
8.	Crocodile	.1671 per tonne
9.	Dry bulk commodities, not specified in this Schedule	.4045 per tonne
10.	Fertilizers and chemicals in bulk	.4045 per tonne
11.	Grain, pulse and corn in bulk (other than seed)	.2461 per tonne
12.	Gypsum in bulk	.3519 per tonne
13.	Iron ore	.0527 per tonne
14.	Liquid products in bulk, not specified in this Schedule	.4045 per tonne
15.	Livestock	.7398 per animal
16.	Malt barley	.2023 per tonne
17.	Ores in bulk, not specified in this Schedule	.2023 per tonne
18.	Petroleum products, crude or refined, in bulk, that are (a) gasoline products (b) other products	.2814 per tonne .1847 per tonne

ANNEXE I (article 3)

Article	Colonc I Marchandises	Colonc II Droits
1.	Automobiles, camions et tracteurs	0.7107 \$ le véhicule
2.	Bière, ale et porter	1.2751 la tonne métrique
3.	Ciment	0.3431 la tonne métrique
4.	Charbon—anthracite	0.0967 la tonne métrique
5.	Charbon—bitumineux	0.0967 la tonne métrique
6.	Conteneurs, à l'exclusion du contenu : (a) dont la longueur ne dépasse pas 7.62 mètres (b) dont la longueur dépasse 7.62 mètres	2.5054 le conteneur
7.	Coke	0.1671 la tonne métrique
8.	Crocodile	0.1671 la tonne métrique
9.	Données sèches en vrac, non autrement désignées dans la présente annexe	0.4045 la tonne métrique
10.	Engrais et produits chimiques en vrac	0.4045 la tonne métrique
11.	Grains, légumes secs et maïs en vrac (autre que grain)	0.2461 la tonne métrique
12.	Gypse en vrac	0.3519 la tonne métrique
13.	Minerais de fer	0.0527 la tonne métrique
14.	Produits liquides en vrac, non autrement désignés dans la présente annexe	0.4045 la tonne métrique
15.	Bétail	0.7398 l'animal
16.	Orge maltée	0.2023 la tonne métrique
17.	Minerais en vrac, non autrement désignés dans la présente annexe	0.2023 la tonne métrique
18.	Produits pétroliers en vrac, bruts ou raffinés : (a) essences (b) autres produits	0.2814 la tonne métrique 0.1847 la tonne métrique

SCHEDULE I—Concluded

Item	Column I Goods	Column II Rates
19.	Salt in bulk	\$.1671 per tonne
20.	Sand	.0879 per tonne
21.	Scrap metal	.2023 per tonne
22.	Soya bean oil in bulk	.4045 per tonne
23.	Soya beans	.2023 per tonne
24.	Steel	.5619 per tonne
25.	Stone—crushed	.0879 per tonne
26.	Sugar—raw in bulk	.2023 per tonne
27.	Sulphur	.1055 per tonne
28.	Tar, tarvia and tar products	.1671 per tonne
29.	Wines, and spirituous liquors	4.0468 per tonne
30.	All commodities not specified in this Schedule	.4045 per tonne
31.	General cargo not specified in this Schedule that is: (a) exported or imported; or (b) for points within Canada	.6154 per tonne .2111 per tonne

ANNEXE I (suite et fin)

Article	Colonc I Marchandises	Colonc II Droits
19.	Sel en vrac	0,1671 \$ la tonne métrique
20.	Sable	0,0879 la tonne métrique
21.	Déchets métalliques	0,2023 la tonne métrique
22.	Huile de soya en vrac	0,4045 la tonne métrique
23.	Soya	0,2023 la tonne métrique
24.	Acier	0,5619 la tonne métrique
25.	Pierre concassée	0,0879 la tonne métrique
26.	Sucre brut en vrac	0,2023 la tonne métrique
27.	Soufre	0,1055 la tonne métrique
28.	Goudron, tarvia et produits du goudron	0,1671 la tonne métrique
29.	Vins et spiritueux	4,0468 la tonne métrique
30.	Denrées non autrement désignées dans la présente annexe	0,4045 la tonne métrique
31.	Marchandises générales non autrement désignées dans la présente annexe : a) exportée ou importée b) pour transport intérieur	0,6154 la tonne métrique 0,2111 la tonne métrique

SCHEDULE II
(Section 3)

Item	Column I Goods	Column II Volume	Column III Weight
	Gasoline	1,353 litres	1 tonne
	Fuel oil	1,127 litres	1 tonne
1.	Coal oil	1,228 litres	1 tonne
4.	Molasses	1 litre	1,297 kilograms
5.	Petroleum oil in bulk	1 litre	.798 kilograms

ANNEXE II
(article 3)

Article	Colonc I Cargaison	Colonc II Volume	Colonc III Poids
1.	Essence	1 353 litres	1 tonne métrique
2.	Mazout	1 127 litres	1 tonne métrique
3.	Huile lourde de bouille	1 228 litres	1 tonne métrique
4.	Mélasses	1 litre	1,297 kilogramme
5.	Produits pétroliers en vrac	1 litre	0,798 kilogramme

REGULATORY IMPACT
ANALYSIS STATEMENT

(This statement is not part of the By-law.)

Description

This By-law revokes the *Hamilton Harbour Commissioners' Cargo Rates Tariff By-law* and makes a restated By-law which will reflect a consolidation of the original By-law as amended and increases cargo rates applicable at Hamilton Harbour by 5 percent which will produce an estimated increase in revenue of \$85,000.

Alternatives Considered

Alternatives to this By-law were not considered by the Hamilton Harbour Commissioners since review in detail of its financial position, including all sources of revenue, indicated that it is imperative that its Tariff of Cargo Rates be increased to maintain financial viability.

RÉSUMÉ DE L'ÉTUDE D'IMPACT
DE LA RÉGLEMENTATION

(Ce résumé ne fait pas partie du règlement.)

Description

Ce règlement abroge le *Règlement sur le tarif des droits de cargaison du port de Hamilton* et le remplace par un nouveau règlement qui représentera une codification du règlement original dans sa forme modifiée et augmentera le tarif des droits de cargaison au havre de Hamilton par 5 pour cent. Il est estimé que cette augmentation générera au moins 85 000 \$ en revenu.

Autres mesures envisagées

Les commissaires du havre de Hamilton n'ont pas envisagé d'autres mesures étant donné qu'une étude détaillée de la position financière de la Commission, comprenant toutes les sources de revenu, révèle qu'il est nécessaire que le tarif des droits de cargaison soit augmenté pour maintenir la viabilité financière.

Consistency with Regulatory Policy and Citizens' Code

This By-law is consistent with the Regulatory Policy and Citizens' Code. Early notice was provided through the 1990 Federal Regulatory Plan under No. 594-TC.

Anticipated Impact

This By-law affects port users only and will have a minor impact on them in that the tariff increases, in terms of dollar amounts, are minor in nature to port users. There will be no impact on market efficiency or employment. The By-law reflects increases in the Hamilton Harbour Cargo Rates Tariff which has not been adjusted since 1985 and has been subsidized by other revenue sources. Periodic increases in port charges are necessary to maintain the port's financial self-sufficiency and, thereby, maintain the port's level of service to port users.

Consultation

The harbour's major users have been informed of the anticipated increase in the Hamilton Harbour Cargo Rates Tariff. The proposed rate increase of 5 percent from the previous 1985 rate only compensates for inflation over the last year.

The subject Tariff By-law was prepublished in the *Canada Gazette Part I* on May 5, 1990, and the 30 day period allowed to the public in which to make comments concerning this initiative has expired. Following prepublication, no representations in support of or in opposition to this initiative were received.

Compliance Mechanism

The *Hamilton Harbour Commissioners' Act* permits the seizure and detention of the vessel and the seizure of goods until costs and charges incurred in respect thereof are paid in full.

For further information, contact:

R. R. Hennessy
Port Director
Hamilton Harbour Commissioners
605 James Street North
Hamilton, Ontario
L8L 1J9
(416) 525-4330

Conformité à la Politique de réglementation et au Code d'équité

Ce règlement est conforme à la Politique de réglementation et au Code d'équité. Un préavis a été donné dans les Projets de réglementation fédérale de 1990 au numéro 594-TC.

Répercussions prévisibles

Ce règlement touche les usagers du port seulement et n'aura qu'un effet mineur sur eux. Il n'y aura pas d'effet sur l'efficacité du marché ni sur l'emploi. Le règlement apporte une augmentation modeste au tarif des droits de cargaison du havre de Hamilton qui n'a pas été rajusté depuis 1985 et qui a dû être compensé par d'autres sources de revenu. Cette augmentation aidera à maintenir une auto-suffisance financière et préviendra l'érosion des droits du havre.

Consultation

Ceux qui utilisent le havre ont été déjà informés de ce plan d'augmenter le tarif des droits de cargaison du havre de Hamilton. L'augmentation de 5 pour cent, à partir des droits en 1985, ne fait que compenser le facteur inflationniste pour l'année écoulée.

La publication préalable, du règlement tarifaire en question, est parue dans la *Gazette du Canada Partie I* le 5 mai 1990 et la période de consultation publique de 30 jours est échu. Suite à la publication préalable, aucune représentation en appui ou en opposition, concernant cette initiative, n'a été reçue.

Mécanismes d'observance à prévoir

La *Loi des commissaires du havre de Hamilton* permet la saisie et la détention du navire et la confiscation des marchandises jusqu'à ce que les frais engagés soient entièrement payés.

Pour de plus amples renseignements, veuillez communiquer avec :

R. R. Hennessy
Directeur de port
Commissaires du havre de Hamilton
605, rue James nord
Hamilton (Ontario)
L8L 1J9
(416) 525-4330

1993 April 27

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Parks and Recreation Committee presents its **EIGHTH** Report for 1993 and respectfully recommends:

1. That approval be given to the Chairperson of the Parks and Recreation Committee or his designate to attend the 1993 Children's Games scheduled for 1993 July 15 to July 17 in Darmstadt, Germany.
2. (a) That the Department of Culture and Recreation proceed within the Corporate Restructuring with a Departmental Realignment of operations to provide the base for the 1994 current budget allocation at the 1993 level. This realignment to include:
 - i. A review of facility based supervision
 - ii. A review of operational options for arenas
 - iii. A review of core programs and services
 - iv. A review of levels of subsidies for programs
 - v. A cost recovery business plan
 - vi. A review of facility seasons and hours
 - vii. A decentralized operation centre for the mountain
- (b) That appropriate union and non-union staff consultation be an integral part of this realignment.
3. That the Director of Culture and Recreation be authorized to promote and encourage participation in Hamilton's 2nd Annual "Bike to Work Week" 1993 May 31 to June 6 to include a Family Bike Ride.

4. That permission be granted to the Hamilton and District Ladies Industrial Softball League to sell beer during the occasion of their softball tournament, scheduled at Globe Park, commencing 1993 May 21 to May 23, under the terms and conditions which includes the following:
 - (a) The proof of \$2 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury, naming the City as additional insured, be provided.
 - (b) That the applicant meet all requirements of the Liquor Licence Board of Ontario for issuance of a Special Occasion Permit.
 - (c) That the Concessionaire be contacted to make the necessary arrangements for the provision of food.
 - (d) That the applicant assume responsibility for all labour-related costs as a result of this event.
 - (e) That Special Duty Officers, as may be deemed necessary by the Hamilton-Wentworth Regional Police, be provided at the applicant's expense.
5. That the Vintage Auto Sprints at Christie Inc. be granted permission to have food and alcoholic beverages on the occasion of the Vintage Auto Sprints at Christie Inc. "Cocktails and Canapes Civic Reception", 1993 August 20 at the Dundurn Park Pavilion, subject to the following terms and conditions:
 - (a) Proof of \$2 million dollars Comprehensive General Liability Insurance for Property Damage and Bodily Injury, same to be submitted 30 days in advance, naming the City as co-insured.
 - (b) That the applicant assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc.)
 - (c) That alcoholic beverages may be served in the confined area of the Pavilion on 1993 August 20, from 7:00 o'clock p.m. to 9:00 o'clock p.m. upon receipt of approval of the Liquor Licence Board.
 - (d) That a special duty officer as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense.
 - (e) That the terms and conditions be reviewed and monitored by the Special Events/Festival Advisory Team.

6. That organizations non-resident of the City of Hamilton be charged a 50% surcharge on all rental rates applicable to major sports facilities.
7. That the City of Hamilton Canada Day Celebrations be held at Mohawk Sports Park Thursday, 1993 July 1st noon to dark, with sporting events throughout the day and a fireworks display in the evening.
8. That the Portuguese Association of St. Michael the Archangel be granted permission to sell food and alcoholic beverages on the occasions of the Annual Festival of the Holy Spirit, 1993 June 4, June 5 and June 6, in the Dundurn Park Pavilion, subject to the following terms and conditions:
 - (a) Proof of \$2 million dollars Comprehensive General Liability Insurance for Property Damage and Bodily Injury, same to be submitted 30 days in advance, naming the City as co-insured.
 - (b) That the applicant assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc.)
 - (c) That alcoholic beverages may be served in the confined area of the Pavilion on June 4 from 11:00 o'clock a.m. to 8:00 o'clock p.m., June 5 from 9:00 o'clock a.m. to 11:00 o'clock p.m. and June 6 from 9:00 o'clock a.m. to 10:00 o'clock p.m. upon receipt of approval of the Liquor Licence Board.
 - (d) That a special duty officer as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense.
 - (e) That the terms and conditions be reviewed and monitored by the Special Events/Festival Advisory Team.
9. That the Mozart Chamber Orchestra organizers be granted permission to sell food and alcoholic beverages on the occasion of the Lobsterfest, 1993 August 21 and August 22 in Dundurn Park, from 6:00 o'clock p.m. to 1:00 o'clock a.m. subject to the following terms and conditions:
 - (a) That proof of \$2 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury be provided, same to be submitted 30 days in advance of the event and naming the City as co-insured.
 - (b) That the applicant assume responsibility for all labour-related charges associated with the event (set-up, dismantling, clean-up, etc.).
 - (c) That alcoholic beverages be served in the confined area of the Pavilion.

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- (d) That the applicant adhere to all regulations stipulated by the Liquor Licence Board in the provision of alcoholic beverages.
 - (e) That Special Duty Officers as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense.
 - (f) That the terms and conditions be reviewed and monitored by the Special Events/Festival Advisory Team.
10. That the Hamilton and District Labour Council be granted permission to sell food and alcoholic beverages on the occasion of their Labour Day Parade and Picnic, to be held Monday, 1993 September 6, 12 o'clock noon to 5:00 o'clock p.m. at the Dundurn Park Pavilion, subject to the following terms and conditions:
- (a) That proof of \$2 million General Liability Insurance for Property Damage and Bodily Injury, naming the City as co-insured be provided.
 - (b) That the applicant assume responsibility for all labour charges associated with the event (set-up, clean-up, etc.).
 - (c) That alcoholic beverages be served in the confined area of the pavilion.
 - (d) That the applicant adhere to the regulations stipulated by the Liquor Licence Board in the provision of alcoholic beverages.
 - (e) That Special Duty Officers as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense.
 - (f) That the terms and conditions be reviewed and monitored by the Special Events/Festival Advisory Team.

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11. That the City Treasurer be directed to close the following Capital Project accounts with any excess funding to be transferred to its original source of financing:

Capital Centre Number	Project Description	Authorized Gross Cost	Expended/ Committed To Date	Balance Available	Source Of Funding
a) 628754004	Mohawk Sports Park Utility Bldg Increase	24,000.00	23,727.47	272.53	Cap. Levy
b) 629054015	Churchill Lawn Bowling - Lights	31,000.00	30,158.70	841.30	Reserve For Parklands
c) 629049004	Crest Stabilization - Mtn Park	50,000.00	49,394.79	605.21	Reserve Cap. Proj.
d) 629154001	Ivor Wynne Renovations Repairs	159,000.00	158,945.80	54.20	Reserve Cap. Proj.
e) 629154002	Ivor Wynne Repair Lighting	52,000.00	47,181.65	4,818.35	Reserve Cap. Proj.
f) 629254010	Gage Park Reconstruct Carpet Beds	60,000.00	54,110.30	5,889.70	Reserve Parklands
g) 629154006	Gage Park Path Lighting	31,000.00	31,000.00	0.00	Reserve For Parklands
TOTAL		347,000.00	340408.41	6,591.59	

1993 April 27

12.
 - (a) That qualified City forces (Parks Forestry) required to eliminate dead branches, hangers, split trees and removal of all brush/branch debris in City parks/cemeteries resulting from the 1993 April 1 ice storm be used to complete this work after the street tree clean up.
 - (b) That the Parks Division be authorized to engage private contractors to undertake stumping associated with removal of approximately 57 trees, the replacement of said trees using minimum 2 inch (caliper) bagged and balled, nursery stock approximately 8 - 12 feet tall and chipping of stockpiled brush.
 - (c) That Cemeteries Division be authorized to purchase 40 trees, the replacement of said trees using minimum 2 inch (caliper) bagged and balled nursery stock approximately 8 - 12 feet tall.
 - (d) That the costs associated with the clean-up program be charged to City Centre 62208.
 - (e) That the projected budgetary impacts of the clean-up work be forwarded to The Finance and Administration Committee for information at this time and that upon completion of the clean-up a more detailed report be submitted to the Parks and Recreation Committee for its consideration.
13.
 - (a) That a Lease Agreement, duly executed by the applicants, Reinier and Agatha Hill on 1993 March 10, for City owned land at 123 Arbour Road and 30 Mud Street, containing 4,469.44 square metres (48,108.90 square feet) and 2,180.41 square metres (23,469.74 square feet) more or less, respectively, for the sum of \$1. plus applicable taxes be credited to Account No. CH44104 31106 (Rented Fees/Civic Properties Rented), for the purposes of landscaping only, to commence on the first day of the month following City Councils's approval, be approved and completed.
 - (b) That the Mayor and City Clerk be authorized and directed to execute the necessary documents in a form satisfactory to the City Solicitor.

1993 April 27

14. (a) That a purchase order be issued to Transway Steel Buildings, Hamilton, in the amount of \$122,706. including all taxes and contingencies, to construct Sun Shelters at Gershome, Kennedy, Mountview, Mount Lions, Montgomery, Trenholme and Huntington Parks, being the lowest of six tenders received in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, and be financed through Work Done For Others Account No. CH56398 62910.
- (b) As this work is to commence as soon as possible, the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairman, the Chief Administrative Officer and that any action taken under this provision to be reported to the next regular meeting of City Council".
15. That the City exercise its option to extend the existing agreement with Universal Skate Sharpeners Ltd., Calgary to 1994 December 31 to supply, install, service and maintain skate sharpening machines at nine arenas, payment to the City of 20% of gross receipts, originally approved as Section 3 of the THIRTEENTH Report of the Parks and Recreation Committee for 1991 adopted by City Council on 1991 June 25.
16. That permission be granted to waive the green fees for the Western Ontario Golf Superintendents Association Golf Tournament to be held at King's Forest on 1993 August 17.
17. That approval be given to the Cultural Division of the Department of Culture and Recreation to host a placement student from the Art Conservation Techniques Program, Sir Sanford Fleming College from 1993 September to 1994 April.

18.
 - (a) That the transfer of Hamilton Region Conservation Authority (HRCA) properties on Hamilton Beach to the City of Hamilton and disposition of said properties, follow the "Selected Approach" as outlined in Appendix "A" attached hereto.
 - (b) That the Manager of Parks be authorized to work with the General Manager of the Hamilton Region Conservation Authority to prepare a Project Brief for submission to the Provincial Government requesting approval of the "Selected Approach".
 - (c) That prior to submitting a formal request to the Provincial Government regarding their financial interest in this project, the Hamilton Region Conservation Authority and City jointly host a meeting with local MPP's to discuss the proposed property transfer between the Hamilton Region Conservation Authority and the City.
 - (d) That based on receiving Provincial Government approval of the property transfers and revenue sharing strategy the City Solicitor be authorized to prepare an agreement to be signed by the Mayor and the Chairman of the Hamilton Region Conservation Authority said agreement to address the Hamilton Region Conservation Authority's entitlement to 50% of the net proceeds from the sale of properties deemed surplus to park and open space requirements in accordance with the approved Hamilton Beach Neighbourhood Plan.
19.
 - (a) That the previously budgeted amount of \$123,000. within the West Mountain Twin Pad Arena and Community Centre Budget, be designated as "seed" money towards the development of a future proposal for an indoor - West Mountain Bocci facility.
 - (b) That any Bocci proposal be subject to consideration during future Capital Budget processes and the development of a fund raising plan which would incorporate contributions from both private sector and senior levels of government.
 - (c) That it be understood, that the City is in no way committed to any future additional funding for the construction of an indoor Bocci facility.
 - (d) That the Chief Administrative Officer be directed to investigate and report back on whether this reallocation of funds (\$123,000.) complies with the terms of the Ontario Municipal Board approval for the West Mountain Twin Pad Arena and Community Centre Project.

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20. (a) That the City of Hamilton endorse the formation of an "Ontario Sports Legends Hall of Fame Museum" Organizing Committee.
- (b) That the City provide the Committee with meeting facilities and staff resources.
- (c) That the Committee report back to the Parks and Recreation Committee with its proposal for an "Ontario Sports Legends Hall of Fame Museum".
- (d) That Alderman B. Morelli represent City Council on this Committee.

Respectfully Submitted,

Kevin C. Christenson
Secretary

ALDERMAN T. JACKSON, CHAIRPERSON
PARKS AND RECREATION COMMITTEE

1993 April 20

**Appendix "A" as referred to in
Section 18 of the EIGHTH Report
of the Parks and Recreation
Committee for 1993**

Selected Approach - Hamilton Beach Project

1. That the Hamilton Region Conservation Authority (HRCA) be encouraged to finalize its property transfer arrangement with the Ministry of Transport Ontario thus increasing HRCA holdings on Hamilton Beach from approximately 25 acres to 35 acres±.
2. That the HRCA transfer its land holdings on Hamilton Beach representing approximately 35 acres, including properties transferred from MTO, to the City at a nominal cost ie. \$2.00.
3. That the Director of Property undertake the sale of the properties deemed surplus to park and open space requirements in accordance with the approved Hamilton Beach Neighbourhood Plan, representing approximately 22 acres± and that subject to Provincial approval the HRCA be entitled to receive 50% of the net proceeds from each transaction this being the Provincial entitlement.
4. That the Provincial Government agree to forfeit its financial interest in the 13 acres± to be retained by the City to facilitate implementation of the open space component of the Beach Plan; this being considered the Provincial contribution toward the development of the park component of the Beach Project.

1993 April 27

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **EIGHTH** Report for 1993 and respectfully recommends:

1. That the Building Commissioner be authorized to issue demolition permits for:
 - (a) 20 Chilton Place
 - (b) 208 Eleanor Avenue
2. That the City of Hamilton accept the sum of \$8,000. as cash payment in lieu of the 5% land dedication in connection with "Claudette Gardens - Phase 3", located west of Garth Street and north of Rymal Road West in the Falkirk East Planning Neighbourhood, this being the cash payment required under Section 50 of the Planning Act.
3.
 - (a) That the Chairman or his designate be authorized to attend the 1993 Canadian Institute of Planners Conference to take place on 1993 July 4 to July 7, Victoria, British Columbia.
 - (b) That costs for attendance be allocated to Aldermen Travel Account No. CH55201 10010 from the 1993 Operating Budget.
4. That approval be given to Application CD-92-002, under the Rental Housing Protection Act, Milkha Singh, owner, for conversion of 15 rental residential townhouse units to 15 residential condominium units at 293 Limeridge Road West, Hamilton, because the proposal will not adversely affect the supply of affordable rental housing in Hamilton. Approval is subject to conditions in Appendix "A", to be fulfilled by the owner.

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5. A. That approval be given to amended Zoning Application 91-60, R.V. Kemp (in Trust), owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District modified, to permit single-family detached dwellings on property located at No. 146 Mount Albion Road, as shown on the attached map marked as Appendix "B", on the following basis:
 - (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
 - (b) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:
 - i. Notwithstanding Sections 9(3)(ii) and 9(3)(iii) of By-law No. 6593, every building and structure, except a fence, shall be set back not less than 7.6 m from the "top of bank" as established by a survey according to the Hamilton Region Conservation Authority as shown on Appendix "B", extending along the westerly boundary between the "C" (Urban Protected Residential, etc.) District and the "AA" (Agricultural) District;
 - (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1309 and that the subject lands on Zoning District Map E-87 be notated S-1309;
 - (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-87 for presentation to City Council;
 - (e) That the proposed change and modification in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
- B. (a) That approval be given to application 25T-92010, Ronald Kemp, owner, to establish a draft plan of subdivision in the area west of Mount Albion Road, and south of the T.H. & B. Railway Line, subject to the following conditions:

1993 April 27

- i. That approval apply to the plan prepared by Ashenhurst Nouwens Limited, dated October 22, 1992, showing 10 lots for single family dwellings, and a Block for future residential purposes.
- ii. That the final plan conform with the Zoning By-law approved under the Planning Act.
- iii. That the street be dedicated to the City of Hamilton as public highway in the final plan.
- iv. That the street be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
- v. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
- vi. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the net area of the subdivision in the final plan.
- vii. That the owner pay an amount equivalent to 5% of the land to the City of Hamilton for park purposes in accordance with the Planning Act.
- viii. That the owner establish a 9.0m radius on the east side of the road on the transition curve cul-de-sac bulb on Rouge Hill Court.
- ix. That the applicant be required to enter into subdivision agreements with both the City and Region prior to the development of any portion of these lands.
- x. That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
- xi. That the owner agree, in writing, to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

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- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application(25T-92010), Ronald Kemp, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
- C.
 - (a) That the request by Planning Initiatives, on behalf of R. Kemp, to waive the requirement of a Feasibility Study and Impact Analysis to permit the development, be approved; and,
 - (b) That the Regional Municipality of Hamilton-Wentworth be requested to concur with the decision of the City of Hamilton to waive the requirement of a Feasibility Study and Impact Analysis.
- 6. That approval be given to Zoning Application 93-05, Maria Miceli, owner, for a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District, to permit future development for single-family dwellings, on property located at No. 667 Rymal Road West, as shown on the attached map marked as Appendix "C", on the following basis:
 - (a) That the subject lands be rezoned from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District;
 - (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-27-E for presentation to City Council; and
 - (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- 7. A. That approval be given to Zoning Application 93-07, P.X. Dermody Funeral Homes, prospective owner, requesting a modification to the established "H" (Community Shopping and Commercial, etc.) District, to permit a funeral home within the existing building, for the lands located at 796 Upper Gage Avenue, as shown on the attached map marked as Appendix "D", on the following basis:

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- (a) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., to the subject lands, by introducing the holding symbol "H" as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as a Site Plan Control Application has been submitted and approved.

City Council may remove the "H" symbol, and thereby give effect to the "H" District -Modified provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled.

- (b) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to the subject property be modified to include the following variances as special requirements:
 - i. That notwithstanding Section 14.(1) of Zoning By-law No. 6593, a funeral home shall be permitted within the existing building;
 - ii. That notwithstanding Section 18A(7) of Zoning By-law No. 6593, one (1) parking space may have dimensions not less than 2.7 m wide and 5.4 m long;
 - iii. That Section 18A(26) of Zoning By-law No. 6593 shall not apply;
 - iv. That Section 18A(11) of Zoning By-law No. 6593 shall not apply to the northerly lot line for a distance of 20.0 m from the front lot line;
 - v. That a minimum 0.5 m landscaped planting strip, and a visual barrier not less than 1.2m in height and not greater than 2.0 m in height, shall be provided and maintained along the northerly lot line for a distance of 20.0 m from the front lot line;
 - vi. That a minimum 3.0 m wide planting strip, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the westerly lot line;
 - vii. That a minimum landscaped area not less than 15% of the lot area shall be provided and maintained at grade;

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- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1308 and that the subject lands on Zoning District Map E-38 be notated S-1308;
 - (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38 for presentation to City Council;
 - (e) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- B. That Site Plan Control By-law No. 79-275, as amended by By-law 87-233, be amended by adding the subject lands to Schedule "A".
8. That leave be granted to introduce the following Bills:
- (a) C-35 By-law to Amend Zoning By-law No. 6593 respecting Lands Located between Duncairn Crescent and Heatherdale Place, and West of Gondola Street.
 - (b) C-36 By-law to Amend Zoning By-law No. 6593 respecting Lands Located at Municipal Nos. 140, 150 and 158 Rymal Road West.
 - (c) C-37 By-law to Amend Zoning By-law No. 6593 as Amended by Zoning By-law No. 88-281 respecting Lands Located at Municipal Nos. 1379-1383 Upper James Street.
 - (d) C-38 By-law to Amend Zoning By-law No. 6593 respecting Land Located at Municipal No. 796 Upper Gage Avenue.
 - (e) C-39 By-law to establish Site Plan Control respecting Land Located at Municipal No. 796 Upper Gage Avenue.

RESPECTFULLY SUBMITTED,

ALDERMAN D. DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE

Tina Agnello, Secretary
1993 April 21

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Appendix "A" as referred to
in Section 4 of the EIGHTH
Report of the Planning and
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1993

APPENDIX "A"

(1) That the Owner shall enter into an Approval Agreement with the City satisfactory in form to the Director of Local Planning and to the City Solicitor, incorporating the City's conditions of approval listed herein and register such Agreement on title to the subject property prior to the earlier of,

- (a) the sale of the property by the Owner;
- (b) issuance of a building permit to carry out the alterations (if any) to physically convert the premises; or,
- (c) where no such alterations are required, prior to receiving final approval to the said condominium plan.

(2) That this approval shall cease and be at an end,

- (a) if the Owner has sold the land without entering into the Approval Agreement with the City; and
- (b) in any event, within five years from the date of this approval resolution of Council, if the Owner has not registered the said land and building as a condominium corporation.

(3) That the Owner shall grant to the Tenants named in Schedule "A" an Option to Purchase within two years of registration of the Land and Building as a Condominium, their Unit specified in Schedule "A", (together with its appurtenant interests).

(4) That such Option provide, among other matters, that in the event the Tenant exercises the Option to Purchase the Unit, the Owner shall, within twenty-one (21) days of delivery of the Notice to the Owner, enter into the Agreement of Purchase and Sale form of Hamilton Real Estate Association for a condominium sale, with the necessary amendments for purchase of the Unit from the declarant of the Condominium.

(5) That such Agreement shall provide,

- (a) that the sale shall be completed within One Hundred and Twenty (120) days, unless otherwise agreed by the Tenant;
- (b) that the purchase price for the Unit be the price agreed upon between the Owner and the Tenant, not to exceed Eighty-five Thousand Dollars (\$85,000.00). In the event the purchase price is not agreed upon, the purchase price shall be the lesser of Eighty-five Thousand Dollars (\$85,000.00), or the average sale price of similar units on the same property at the time the Option is exercised by the Tenant;

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- (c) that all provisions with respect to delivery of disclosure material and payment of interest on deposits as provided for in the Condominium Act, shall apply to the sale of the Unit.

(6) That the Owner offer to the Tenants named in Schedule "A" who live in the rental units listed in Schedule "A", a lease in writing, to lease to each Tenant their premises for a lease term specified by each Tenant not to exceed a date two years after the registration of the condominium at the current rent rate set out in Schedule "A", subject to the following provisions:

- (a) that such leases be entered into by both parties and registered on title to the subject land prior to the City's execution of the said Approval Agreement;
- (b) that the Tenant's rent shall not be increased by reason of alterations or other expenses of the Owner to convert the building to a condominium, but that the rent may be increased as otherwise permitted at law;
- (c) that the Tenant may terminate the lease at any time on 60 days' notice.

(7) That the Owner cause a new land owner if any and the new condominium corporation to enter into an agreement with each Tenant to assume the obligations of the Owner herein to the Tenants.

(8) That the foregoing conditions be subject to the following terms, which terms shall form part of the applicable document:

- The following documents, namely the Approval Agreement, the leases and the Options to Purchase shall be prepared by the Owner and registered by the Owner at its expense, including the payment of Land Transfer Tax and registration fees. If the Option is exercised and subsequently the sale is closed, the Tenant shall repay the Owner, in addition to the sale price, the said Land Transfer Tax and registration fee. If the Option is not exercised by the Tenant, the Owner shall be entitled to a refund of the Land Transfer Tax.
- If the Tenant at any time vacates the rental unit, the Tenant's rights pursuant to lease and the Option to Purchase shall cease. The Tenant may not enter into an Agreement of Purchase and Sale unless the Tenant is at the time of execution in possession of the rental unit.

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- The Tenant's rights under the Approval Agreement, the lease and the Option to Purchase are personal to the named Tenant only and may not be assigned by the Tenant to anyone.
- If the Director of Local Planning receives a declaration from the Owner that a Tenant named in Schedule "A" has not, or does not want, to enter into the said lease or the said Option or both of them, or that the Tenant has vacated the rental unit, the Director of Local Planning shall send by registered mail to the Tenant at the rental unit listed in Schedule "A", a Notice that the Tenant's rights under the unsigned lease or Option, as the case may be, shall cease within twenty-one days of the Notice unless the Tenant is still in possession of the premises and has within twenty-one days collected such document from the Owner and returned to the Owner a copy of the document signed by the Tenant.
- That upon registration of the required leases, Options and the Approval Agreement, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.

1993 April 27

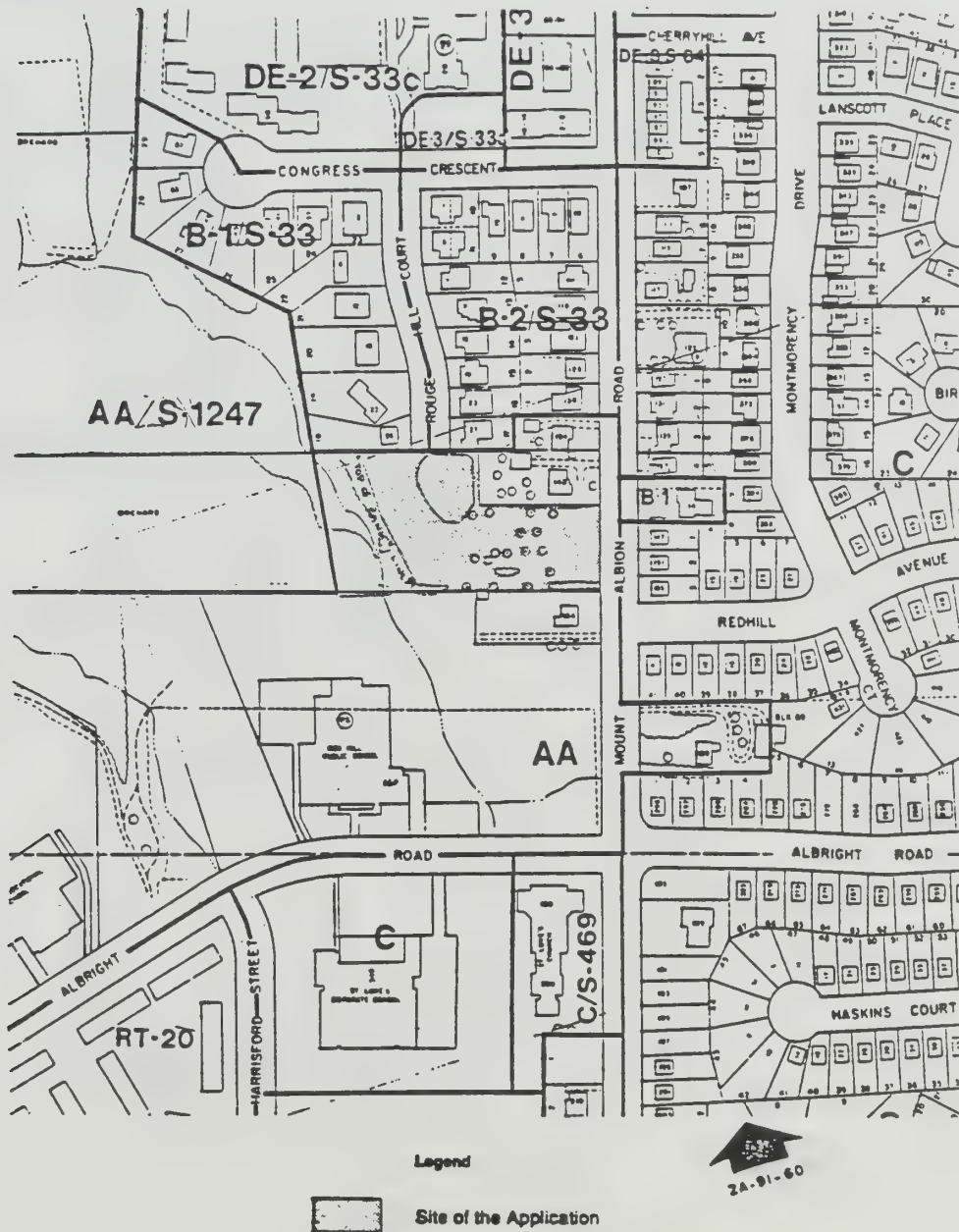
SCHEDULE "A"

RESIDENTIAL RENTAL UNITS

Unit No./ Size of Unit	Tenant Name	Rental Rate
1 (3 BR)	Sheri Leisemer Glen Own	\$823.00
2 (3 BR)	Javid Mirja Meharun Nisa	\$816.00
4 (3 BR)	Harold and Bonnie Gee	\$823.00
5 (3 BR)	Brian Fedsin Lyn, Kyle, Alan	\$823.00
6 (3 BR)	Annette Giobons Craig Gibbons	\$823.00
7	VACANT	
8	VACANT	
9	VACANT	
10 (3 BR)	Sue Parker Mike Parker	\$843.00
11 (3 BR)	Karen Miles	\$816.00
12	VACANT	
13	VACANT	
14 (3 BR)	Sharon Arsonault and Randolph	\$816.00
15 (3 BR)	Les Michelle Szoke	\$822.00

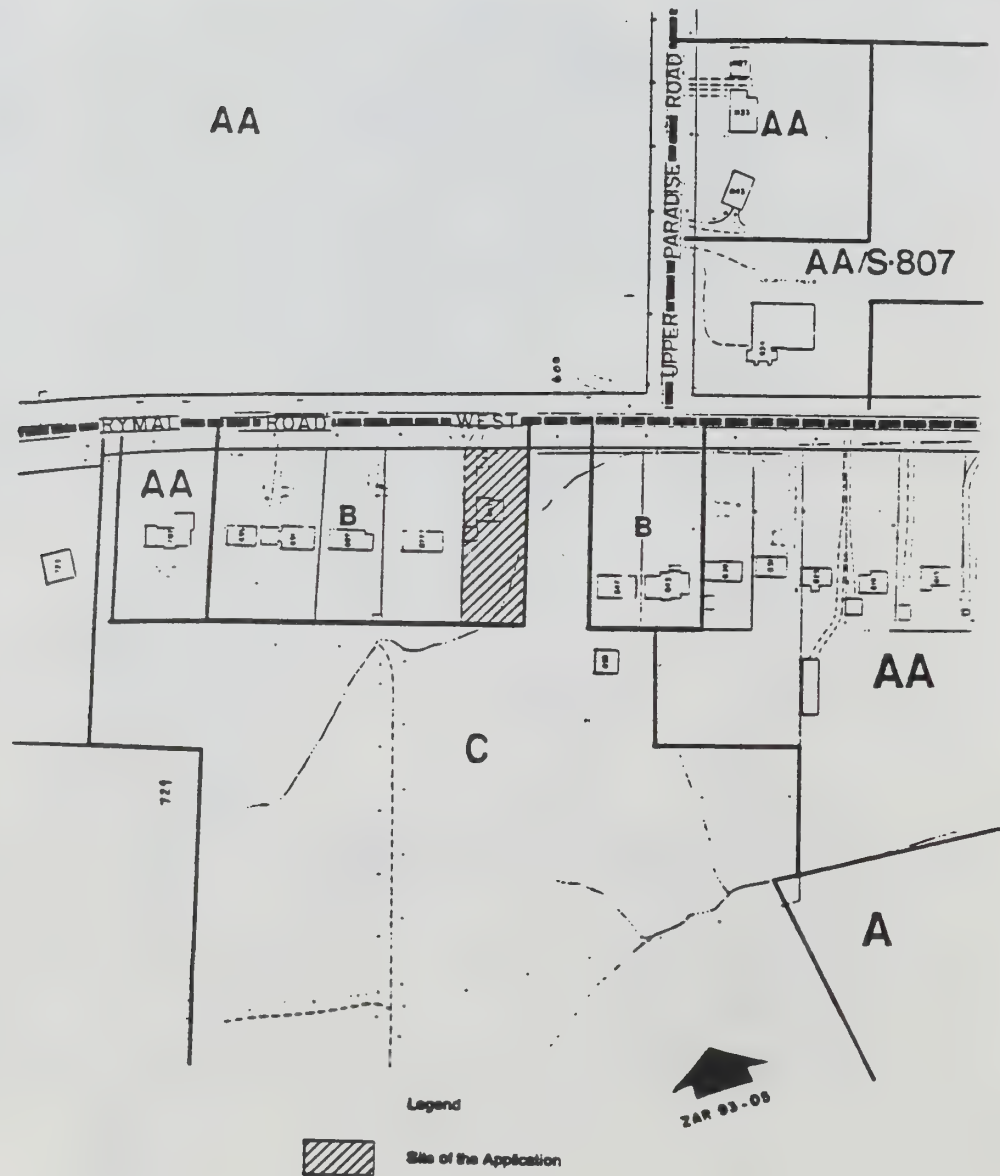
1993 April 27

Appendix "B" as referred to
in Section 5 of the EIGHTH
Report of the Planning and
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1993



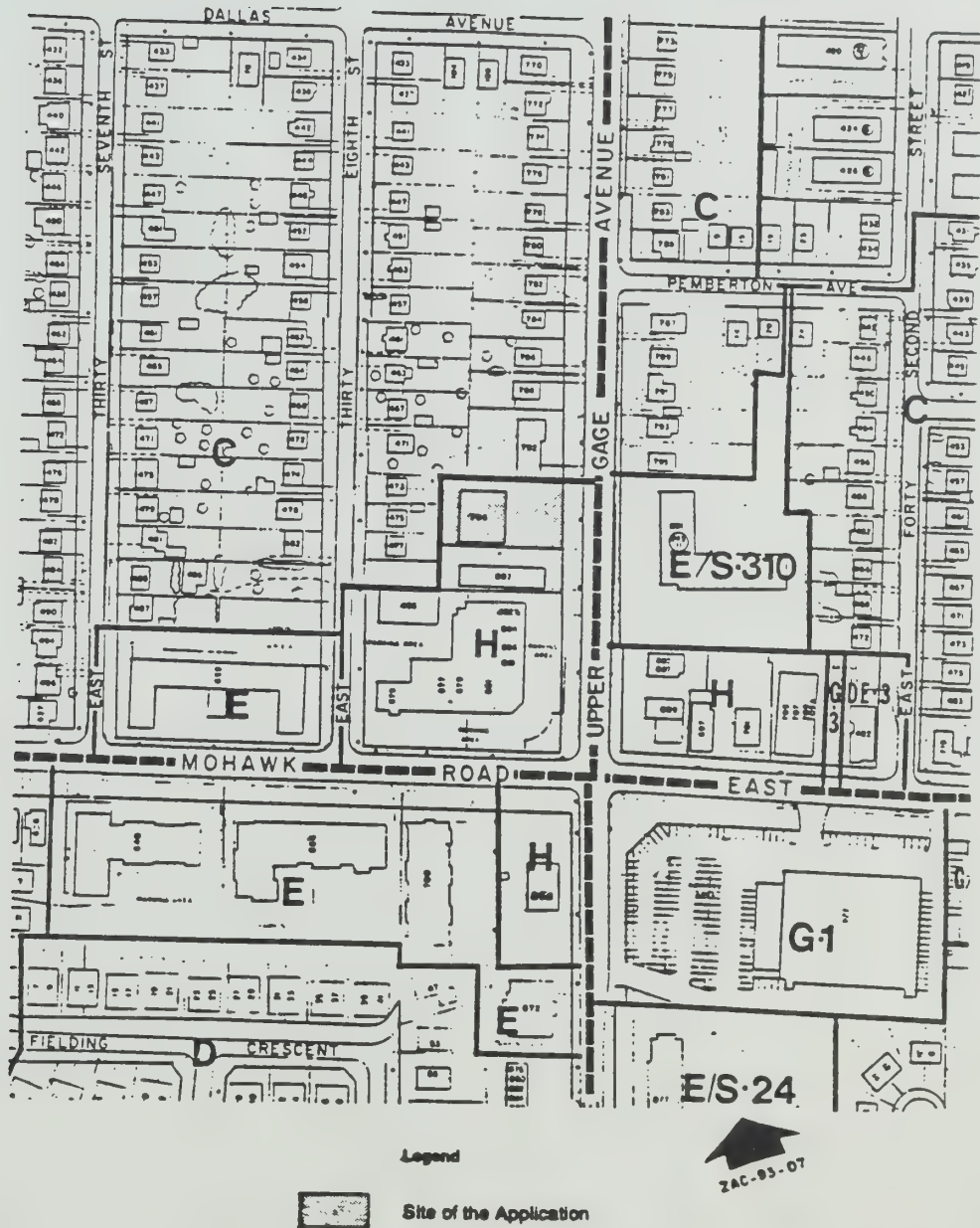
1993 April 27

Appendix "C" as referred to
in Section 6 of the EIGHTH
Report of the Planning and
Development Committee for
1993



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Appendix "D" as referred to
in Section 7 of the EIGHTH
Report of the Planning and
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1993



1993 April 27

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **NINTH** Report for 1993 and respectfully recommends:

1. (a) That approval be given to the action taken by the City Clerk in authorizing Peace Runs International to use the forecourt on Saturday, 1993 April 24, from 3:00 - 6:00 o'clock p.m., for a Welcome Ceremony on the arrival in Hamilton of the Runners in the Sri Chinmoy Oneness -Home Peace Run; and,

(b) That the City Clerk be authorized to approve of a similar use in future years provided it does not conflict with any other activity.
2. (a) That the Corporation of the City of Hamilton enter into a lease with Greendale Day Nursery Ltd., for a vacant parcel of City owned land located directly west of 44 Greendale Drive, containing approximately 583.4 square metres (6,280 square feet) more or less, being Part 2 of Block O on Plan M-66, to be used for access purposes only; and,

(b) That the term be for a period of four (4) years, commencing 1993 May 1, and expiring 1997 April 30, at a rental rate of \$700. per year plus any applicable taxes, and proceeds to be credited to Account No. CH 44104 31106 (Rental Civic Property - Civic Properties Rented); and,

(c) That the Tenant shall have the option to renew the Lease for a further four (4) year period, with the rate and terms to be mutually agreed upon six (6) months prior to the expiry of the lease; and,

(d) That the Mayor and City Clerk be authorized and directed to execute a Lease Agreement in a form satisfactory to the City Solicitor.

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3.
 - (a) That approval be given to enter into a contract with Frank Bufalino & Sons Construction Ltd. in the amount of Two Million Four Hundred & Twenty Six Thousand, Three Hundred & Eighty Six.....40/Dollars (\$2,426,386.40) for the construction of the New Fire Station 4 on Upper Sherman Avenue, within the N.W. corner of Macassa Park. Necessary Funds are available in Accounts CF 5200 489241009 (Construction Fire Station 4) and CF 5200 629054012 (Parks Development/Re-Development 1990); and,
 - (b) That a contract be entered into, satisfactory to the City Solicitor; and,
 - (c) That the Mayor and the City Clerk be authorized to execute the contract on behalf of the City.
4. That notwithstanding Section 29 of the Eighteenth Report for 1990 of the Finance and Administration Committee, adopted by City Council on 1990 May 29th, to provide that the benefit package for Hamilton City Council members be updated to include the increased benefits approved for employees covered by the Collective Agreement entered into by the City and C.U.P.E. Local 167, the enhanced benefit package for City Aldermen shall not include reimbursement of mileage expenses, either current or retroactive, for travelling within the City while on City business.
5.
 - (a) That the Insurance and Risk Management Report, 1993 March as prepared and submitted by Armour Riley Inc. be accepted (copies available from the Secretary or Treasurer); and
 - (b) That staff be authorized to take the necessary actions to implement the key recommendations of the report, being:
 - (i) That insurance coverage be placed with insurers through the services of a designated insurance broker; and that the Treasurer be authorized to retain a qualified insurance broker through an advertised request for candidate brokerage firms and a pre-qualification selection process; and,

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- (ii) That the Treasurer be authorized to retain the firm of Armour Riley, Inc., Risk Management Consultants, to assist in the development of a pre-qualification selection process criteria for candidate brokerage firms; the criteria for evaluation of the broker applicants, and the selection of at least three brokerage firms to participate in a competitive tender for insurance (based on specifications for insurance to be developed jointly by Armour Riley, Inc. and City staff and allocation of insurance markets); at an upset cost limit of \$16,000.; and,
- (iii) That the insurance and risk management program of the City be enhanced by consolidation of the existing sixteen (16) Property and Liability insurance policies into a reduced number of broadly worded policies for the City, Boards, Commissions, etc. and H.E.C.F.I. and City Companies for each of the following classes of insurance:
 - (1.) Property;
 - (2.) Boiler and Machinery;
 - (3.) Liability - injury or damage;
 - (4.) Director and Officers Liability;
 - (5.) Automobile Fleet; and,
- (iv) That the Treasurer be instructed to report to the Finance and Administration Committee; firstly, for approval of the selected brokerage firms to participate in the competitive tender for insurance and market allocation; and secondly, for the selection of the final broker and placement of insurance coverage; and,
- (v) That the limit of liability insurance coverage be expanded from the present \$14 million and the deductible be restructured to various dollar levels subject to specified annual aggregate limits with the specific coverage and deductibles to be determined from the analysis of the alternate package costings generated from the tendering process; and,
- (vi) That staff prepare a written policy statement for an insurance and risk management program for the City to include objectives, procedures and loss prevention programs for formal approval of the Finance and Administration Committee and City Council.

1993 April 27

6. That the 1993 mill rates for the City of Hamilton be approved, and the mill rates for the Region and Boards of Education be received to be included for billing purposes as detailed on the Schedule entitled "Comparison of Components and Total Mill Rates for the Years 1989 to 1993 Inclusive" (Column 6), attached herewith and marked Appendix "A".
7.
 - (a) That after hearing the evidence and submission of the complainant, Joe Di Cienzo representing 712176 Ontario Limited, the Council of the Corporation of the City of Hamilton, hereby exempts the development charges imposed on the 13 properties located in the Silverton Avenue Sub-Division; and,
 - (b) That the Treasurer be directed to refund the amount of \$3,669.60 to Mr. Di Cienzo which he paid for development charges for Lots 1, 2 and 9 in the Silverton Avenue Subdivision (Plan 62M-653).
8.
 - (a) That a hearing be held on the issue of whether or not the City of Hamilton Adult Video By-law No. 93-045 should be amended to recognize Unit 2 of 558 Upper Gage Avenue, as a location eligible for an Adult Video Tape Store Licence effective 1993 February 23; and,
 - (b) That City Council appoint three members of Council to conduct this Hearing for the purpose referred to in Sub-Section (a) above, in accordance with Section 105(1) of the Municipal Act.
9.
 - (a) That the City of Hamilton resolve Ontario Court (General Division) Action No. 19216/90 by the payment to the Plaintiffs, Milka, Gravo, Vesna and Jasmina Stepanovic of the sum of \$105,141.60 inclusive of all damages, interest and costs; and,
 - (b) That the City resolve the Cross-claim of Citadel Insurance Company in Ontario Court (General Division) Action No: 19216/90 by the payment to Citadel Insurance Company of the sum of \$5,782.31 inclusive of all damages, interest and costs; and,
 - (c) That the Plaintiffs be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,
 - (d) That Ontario Court (General Division) Action No. 19216/90 and all Cross and Counterclaims be dismissed without costs.

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10. That leave be granted to introduce the following Bills:

- (a) Bill H-26 A By-law to amend Market By-law No. 92-310 respecting Temporary Stallholder Signage.
- (b) Bill H-27 A By-law to authorize the Levy of a Special Charge in respect of the International Village Business Improvement Area generally covering both sides of King Street East between Mary Street and Wellington Street North.
- (c) Bill H-28 A By-law to authorize the Levy of a Special Charge in respect of the Main Street West Esplanade Business Improvement Area generally comprised of lands on the east and west sides of Main Street West between Locke Street on the west and Queen Street on the east.
- (d) Bill H-29 A By-law to authorize the Levy of a Special Charge in respect of Westdale Village Business Improvement Area generally covering King Street West and the area of the intersection of Cline Avenue and King Street West and extending to an area west of Newton Avenue and Sterling Street.
- (e) Bill H-30 A By-law to authorize the Levy of a Special Charge in respect of the Concession Street Business Improvement Area generally comprised of lands covering Concession Street between East 18th Street and East 25th Street.
- (f) Bill H-31 A By-law to levy the Special Charges for 1993 for the Improvement Area in the area between King William Street, Mary Street, Main Street East and James Street, designated by By-law 82-151.
- (g) Bill H-32 A By-law to authorize the Levy of a Special Charge in respect of the Ottawa Street North Business Improvement Area generally covering Ottawa Street North between Main Street East and extending to an area north of Barton Street East.
- (h) Bill H-33 A By-law to fix the Rates of Taxation for Municipal Purposes for the Year 1993.

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- (i) Bill H-34 A By-law to fix the Rates of Taxation for Regional Purposes for the Year 1993.
- (j) Bill H-35 A By-law to fix the Rates of Taxation for School Purposes for the Year 1993.
- (k) Bill H-36 A By-law to fix the Total Rates of Taxation for Municipal, Regional and School Purposes for the Year 1993.
- (l) Bill H-37 A By-law to levy an Annual Tax on Telephone Companies doing business in Ontario respecting the Bell Telephone Company of Canada.
- (m) Bill H-38 A By-law to confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

RESPECTFULLY SUBMITTED,

**ALDERMAN D. ROSS, CHAIRPERSON
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder
Secretary
1993 April 22**

City of Hamilton
TreasuryCOMPARISON OF COMPONENTS AND TOTAL MILL RATES
FOR THE YEARS 1989 TO 1993 INCLUSIVE

Description (1)	1989 (2)	1990 (3)	1991 (4)	1992 (5)	1993 (6)	Increase + Decrease - 1992 to 1993	
						Mills (7)	% (8)
<u>Residential</u>							
City	92.2114	96.7685	98.6655	102.5572	104.2203	1.6631 +	1.62 +
Region	82.9278	92.1727	99.6322	103.5133	107.0004	3.4871 +	3.37 +
Sub Total	175.1392	188.9412	198.2977	206.0705	211.2207	5.1502 +	2.50 +
<u>Education - Elementary</u>							
- Secondary	86.5187	104.4188	106.5221	116.9462	117.3363	0.3901 +	0.33 +
	62.4175	71.4700	71.2649	69.1713	72.8626	3.6913 +	5.34 +
Sub Total	148.9362	175.8888	177.7870	186.1175	190.1989	4.0814 +	2.19 +
<u>Total Mill Rates</u>	324.0754	364.8300	376.0847	392.1880	401.4196	9.2316 +	2.35 +
<u>Non-Residential</u>							
City	108.4840	113.8453	116.0771	120.6555	122.6121	1.9566 +	1.62 +
Region	97.5621	108.4385	117.2144	121.7803	125.8828	4.1025 +	3.37 +
Sub Total	206.0461	222.2838	233.2915	242.4358	248.4949	6.0591 +	2.50 +
<u>Education - Elementary</u>							
- Secondary	101.7867	122.8456	125.3201	137.5838	138.0427	0.4589 +	0.33 +
	73.4324	84.0823	83.8410	81.3780	85.7207	4.3427 +	5.34 +
Sub Total	175.2191	206.9279	209.1611	218.9618	223.7634	4.8016 +	2.19 +
<u>Total Mill Rates</u>	381.2652	429.2117	442.4526	461.3976	472.2583	10.8607 +	2.35 +

Appendix "A" referred
to in Section 6 of the
NINTH Report of the
Finance and Administration
Committee for 1993.

Notes: The 1993 mill rates were calculated based on the 1992 unrevised assessment for 1993 taxation.

(1) The mill rates in 1989 reflect the transfer of 3.3558 residential mills from the City of Hamilton to the Regional Municipality of Hamilton - Wentworth for the subsidized transit fare program within the City of Hamilton totalling \$3,483,570.00 for 1989.

BILLS

CITY COUNCIL

1993 APRIL 27

URBAN MUNIC
APR - 1993
GOVERNMENT DOCUMENTS

The Corporation of the City of Hamilton

BY-LAW NO. 93-

To Amend:

Zoning By-law No. 6593

Respecting:

**LANDS LOCATED BETWEEN DUNCAIRN CRESCENT AND HEATHERDALE PLACE,
AND WEST OF GONDOLA STREET**

WHEREAS it is intended to establish a special requirement under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "C" (Urban Protected Residential, etc.) District provisions, as contained in Section 9 of Zoning By-law No. 6593, applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirement that,

(a) notwithstanding Section 9.(4) of By-law No. 6593, a minimum lot width of 11.4 m (37.4 ft) and a minimum lot area of 350.0 m² (3,767.5 sq. ft.), shall be provided and maintained for every lot.

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "C" District provisions, subject to the special requirement referred to in section 1.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1307.

4. Sheet No. W-17B of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1307.

5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1993.

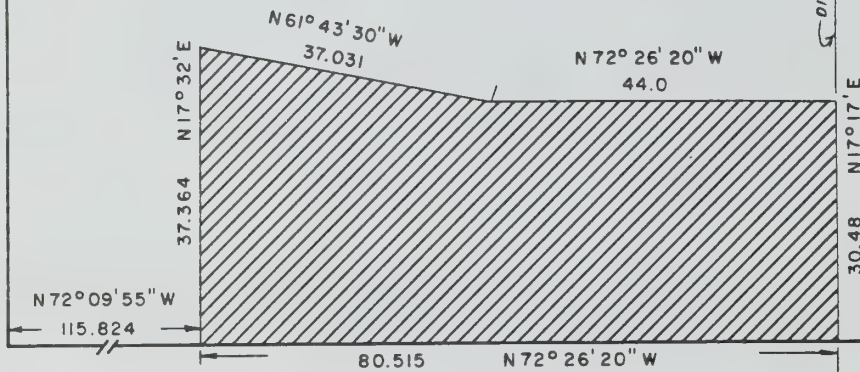
City Clerk

Mayor

GRENOBLE ROAD

LOT 18

LOT 17



DUNCAIRN CRESCENT

NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 93 -.....
Passed the day of ,1993.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 93 -.....

to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Lands to be regulated by
By-Law No. 93 -.....

North



Scale
NOT TO SCALE

Reference File No.
ZA 92-51

Date
MARCH 1993

Drawn By
Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 93-

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED AT MUNICIPAL NOS. 140, 150 AND 158 RYMAL ROAD WEST

WHEREAS it is intended to change the zoning of the lands hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheets No. W-9D and W-9E of the District Maps, appended to and forming part of By-law No. 6593, are amended,

(a) by changing from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District,

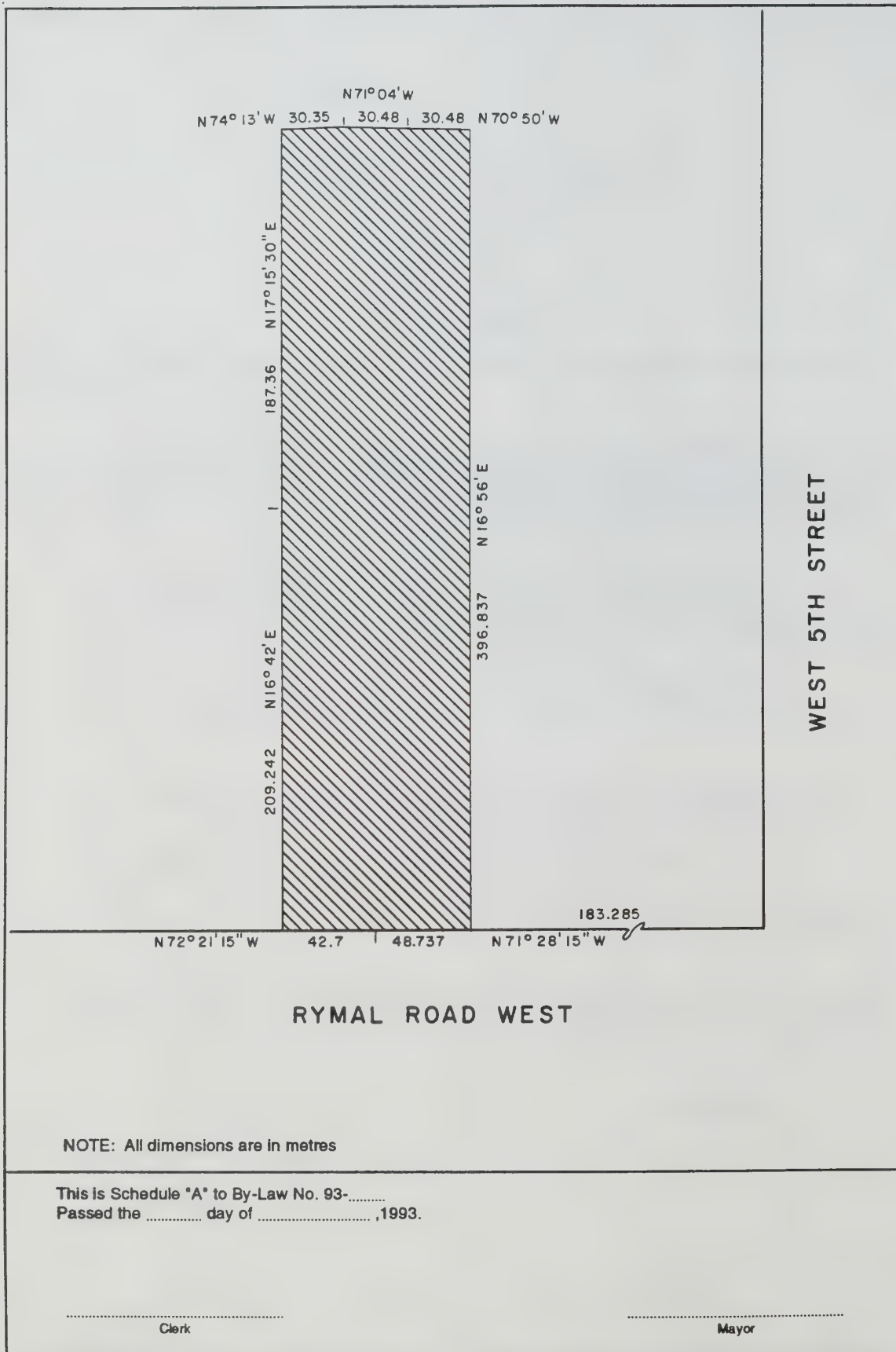
the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1993.

City Clerk

Mayor



<p>City of Hamilton</p> <p>Schedule A</p> <p>Map Forming Part of</p> <p>By-Law No. 93-.....</p> <p>to Amend By-Law No. 6593</p> <p>Regional Municipality of Hamilton-Wentworth Planning and Development Department</p>			<p>Legend</p> <p>Change in zoning from:</p> <div style="display: flex; align-items: center;"> <p>"AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.</p> </div>		
<p>North</p>	<p>Scale</p> <p>NOT TO SCALE</p>	<p>Reference File No.</p> <p>ZA 92 - 56</p>			
	<p>Date</p> <p>MARCH 1993</p>	<p>Drawn By</p> <p>Z.K.</p>			

The Corporation of the City of Hamilton

BY-LAW NO. 93-

To Amend:

Zoning By-law No. 6593
as Amended by Zoning By-law No. 88-281

Respecting:

LANDS LOCATED AT MUNICIPAL NOS. 1379-1383 UPPER JAMES STREET

WHEREAS By-law No. 88-281, passed by the Council of The Corporation of the City of Hamilton on the 29th day of November 1988, rezoned the above-captioned lands from "AA" (Agricultural) District to "HH" - 'H' (Restricted Community Shopping and Commercial - Holding) District (Block 1) and from "C" (Urban Protected Residential, etc.) District to "HH" - 'H' (Restricted Community Shopping and Commercial - Holding) District (Block 2) and established special requirements with respect to the said lands, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A";

AND WHEREAS section 2(a) of By-law No. 88-281 provides that upon the availability of all such municipal sewers serving the subject lands as the City deems necessary, the 'H' symbol shall be removed by amendment to By-law No. 88-281;

AND WHEREAS the municipal sewers as deemed necessary by the City have been installed and are available to service the subject lands;

AND WHEREAS this by-law does not conflict with the intent of the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982;

AND WHEREAS City Council in adopting Item 11 of the 6th Report of the Planning and Development Committee at its meeting held on the 30th day of March 1993, directed that By-law No. 88-281 be amended to remove the 'H' (Holding) symbol in respect of the above lands.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The 'H' (Holding) symbol affixed by By-law No. 88-281, passed on the 29th day of November 1988, to the "HH" - 'H' (Restricted Community Shopping and Commercial - Holding) District designation of Blocks 1 and 2, the extent and boundaries of which are shown on a plan annexed as Schedule "A" to By-law No. 88-281 and forming part thereof, is hereby removed, and the development of the lands comprised in said Blocks 1 and 2 may proceed in accordance with the "HH" District provisions of Zoning By-law No. 6593, subject to the special requirements referred to in section 3 of By-law No. 88-281.

2. Sheet No. E-9C of the District Maps, appended to and forming part of Zoning By-law No. 6593, as amended by section 1 of By-law No. 88-281, is further amended by changing from "HH" - 'H' (Restricted Community Shopping and Commercial - Holding) District to "HH" (Restricted Community Shopping and Commercial) District the lands comprised in Blocks 1 and 2, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" and forming part of this by-law.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "HH" District provisions, subject to the special requirements referred to in section 3 of By-law No. 88-281.

4. By-law No. 6593, as amended by By-law No. 88-281, passed on the 29th day of November 1988, is further amended by adding this by-law to section 19B as Schedule S-1091a.

5. Sheet No. E-9C of the District Maps, as amended by By-law No. 88-281, passed on the 29th day of November 1988, is further amended by marking the lands referred to in section 2 of this by-law, S-1091a.

6. In all other respects, By-law No. 88-281 is hereby confirmed, unchanged.

PASSED this day of A.D. 1993.

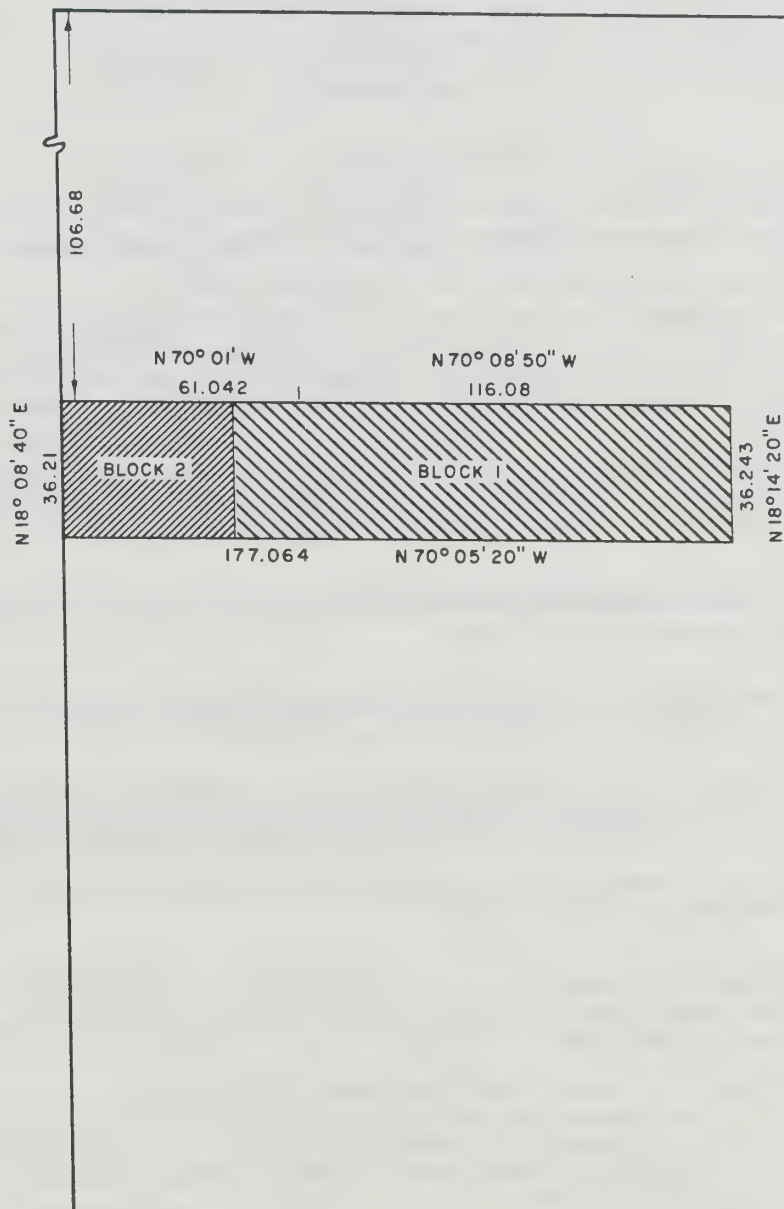
City Clerk

Mayor

(1993) 6 R.P.D.C. 11, March 30
J. and A. Riccio Developments Inc., Owner
ZA-93-02

STONE CHURCH ROAD EAST

UPPER JAMES STREET



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 93 -
Passed the day of, 1993.

.....
Clerk

.....
Mayor

City of Hamilton

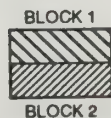
Schedule A

Map Forming Part of
By-Law No. 93 -

to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Lands to be regulated by
By-Law No. 93 -

North



Scale
NOT TO SCALE

Date
MARCH 1993

Reference File No.
ZA 93-02

Drawn By
Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 93-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 796 UPPER GAGE AVENUE

WHEREAS it is intended to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-38 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "H" (Community Shopping and Commercial, etc.) District to "H" - 'H' (Community Shopping and Commercial, etc. - Holding) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. (a) The 'H' symbol referred to in section 1 shall be removed conditional upon the applicant/owner applying for and receiving approval of a Site Plan.

(b) The 'H' symbol shall be removed by amendment to this by-law and the development of the lands referred to in section 1 may at such time proceed in accordance with the "H" District, provisions, subject to the special requirements referred to in section 3 of this by-law.

3. The "H" (Community Shopping and Commercial, etc.) District provisions, as contained in Section 14 of By-law No. 6593, applicable to the land referred to in section 1, are amended to the extent only of the following special requirements that,

- (a) notwithstanding Section 14.(1) of By-law No. 6593, a funeral home shall be permitted within the existing building;
- (b) notwithstanding Section 18A(7) of By-law No. 6593, one (1) parking space may have dimensions not less than 2.7 m wide and 5.4 m long;
- (c) Section 18A(26) of By-law No. 6593 shall not apply;
- (d) Section 18A(11) of By-law No. 6593 shall not apply to the northerly lot line for a distance of 20.0 m from the front lot line;

- (e) a minimum 0.5 m landscaped planting strip, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the northerly lot line for a distance of 20.0 m from the front lot line;
- (f) a minimum 3.0 m wide planting strip, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the westerly lot line;
- (g) a minimum landscaped area not less than 15% of the lot area shall be provided and maintained at grade.

4. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "H" District provisions, subject to the special requirements referred to in section 3.

5. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1308.

6. Sheet No. E-38 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1308.

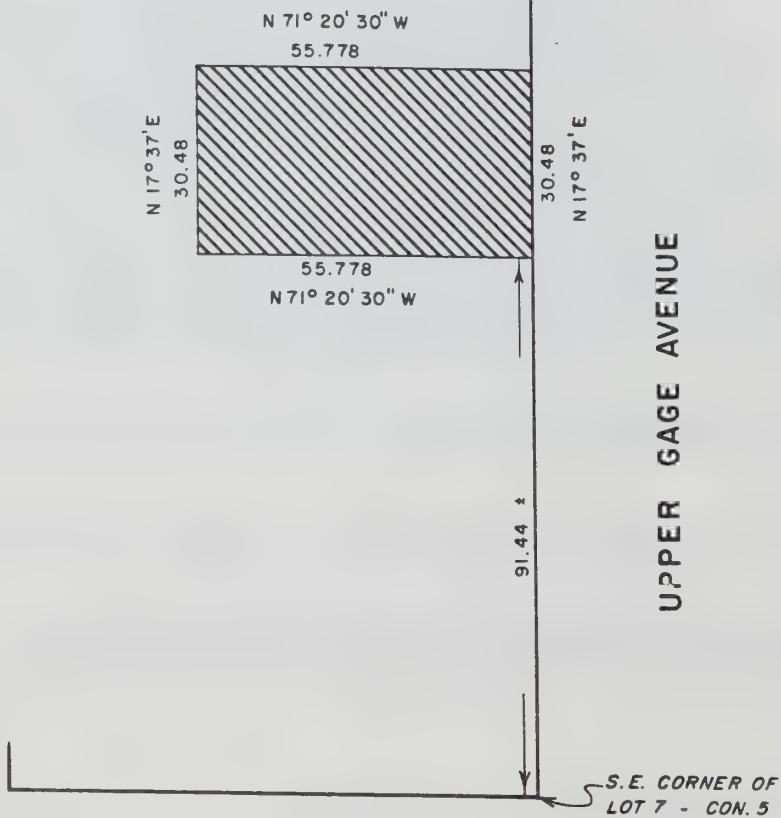
7. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1993.

City Clerk

Mayor

(1993) 8 R.P.D.C. 7 , April 27
P.X. Dermody Funeral Homes,
Prospective Owner
ZA-93-07



MOHAWK ROAD EAST

NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 93-.....
 Passed the day of, 1993.

.....
 Clerk

.....
 Mayor

City of Hamilton

Schedule A

Map Forming Part of
 By-Law No. 93-.....

to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
 Planning and Development Department

Legend

Change in zoning from:



"H" (Community Shopping and Commercial,
 etc.) District to "H" - "H" (Community Shop-
 ping and Commercial, etc. - Holding)
 District, modified.

North



Scale
 NOT TO SCALE

Date
 APRIL 1993

Reference File No.
 ZAC 93-07

Drawn By
 Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 93-

To Establish:

Site Plan Control

Respecting:

LAND LOCATED AT MUNICIPAL NO. 796 UPPER GAGE AVENUE

WHEREAS By-law No. 79-275, passed on the 25th day of September 1979, under Section 35a of the Planning Act, as re-enacted by the Planning Amendment Act, 1979, S.O. 1979, Chapter 59, Section 1, [now Section 41 of the Planning Act, R.S.O. 1990, c. P. 13], as amended by By-law No. 87-223, passed on the 28th day of July 1987, established site plan control in various parts of the City of Hamilton as of November 1, 1979;

AND WHEREAS it is desirable to amend By-law No. 79-275 to establish site plan control on the land hereinafter referred to.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "B" to By-law No. 79-275 is amended by adding the following thereto:

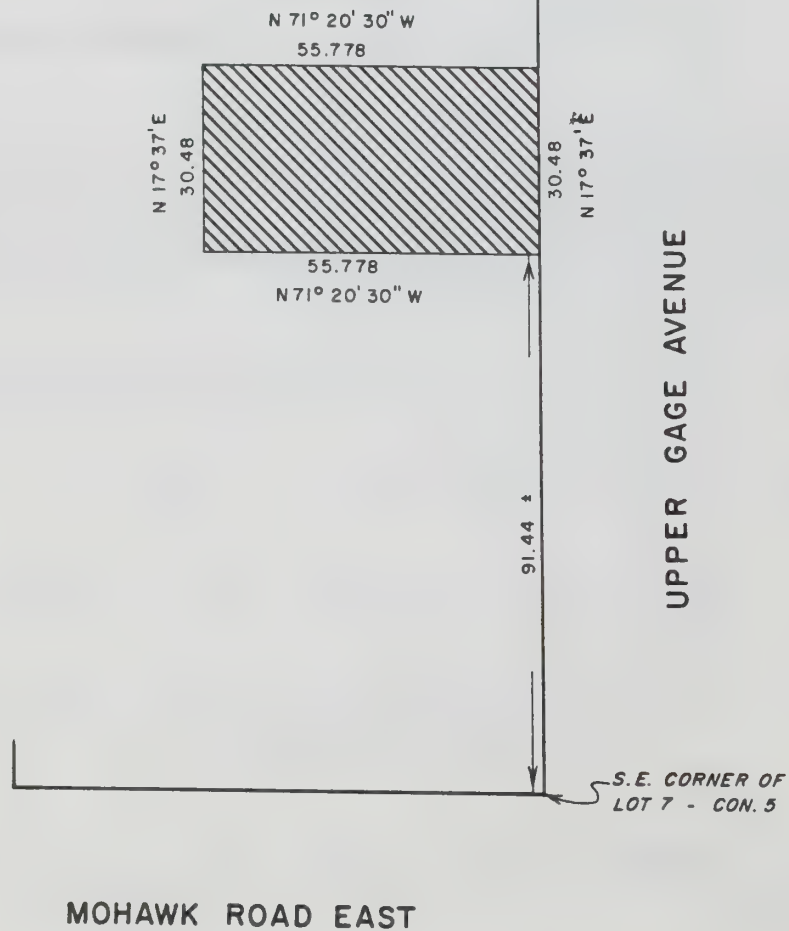
149. Land located at Municipal No. 796 Upper Gage Avenue, shown on Appendix 149 hereto annexed and forming part of this by-law.

2. Appendix 149 to By-law No. 79-275 is hereto annexed as Schedule "A", and forms part of this by-law, and By-law No. 79-275, as amended.

PASSED this day of A.D. 1993.

City Clerk

Mayor



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 93-
Passed the day of , 1993.

.....
Clerk

.....
Mayor

City of Hamilton
Appendix 149
to By-Law No.79-275

as Amended by
By-Law No.87-223

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Lands Designated Under this By-Law
as an area of Site Plan Control pursuant
to Section 41 of the Planning Act,
R.S.O., 1990.

North



Scale
NOT TO SCALE

Date
APRIL 1993

Reference File No.
ZAC 93-07

Drawn By
Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 93-

To Amend:

Market By-law No. 92-310

Respecting:

TEMPORARY STALLHOLDER SIGNAGE

WHEREAS subsection 72 of section 210 of the Municipal Act, R.S.O. 1990, Chapter M.45 authorizes a municipality to enact by-laws for establishing, maintaining and regulating markets;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 92-310 on the 8th day of December 1992 to regulate the Hamilton Farmers' Market;

AND WHEREAS the Council of The Corporation of the City of Hamilton in adopting Section 14 of the 6th Report of the Finance and Administration Committee at its meeting held on the 30th day of March 1993 recommended that By-law No. 92-310 be amended to allow for temporary stallholder signage to be displayed on stalls at the Hamilton Farmers' Market when occupied by daily vendors.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Section 10 of By-law No. 92-310 is amended by adding thereto the following subsection:

"(4) Every stallholder who occupies a stand on a regularly scheduled market day as a daily vendor may display a sign provided by the Market Manager in the form of Schedule "C" hereto annexed, or such other sign approved or authorized by the Market Manager in her sole discretion."

2. Schedule "A" annexed hereto forms part of this by-law, and part of By-law No. 92-310 as Schedule "C".

3. In all other respects, By-law No. 92-310 is hereby confirmed, unchanged.

PASSED this day of A.D. 1993.

City Clerk

Mayor

SCHEDULE "A"

To By-law No. 93-

and

SCHEDULE "C"

To By-law No. 92-310

HAMILTON FARMERS' MARKET
DAILY VENDOR
STAND NO. _____

Business Name
DATE _____ Market Office

The Corporation of the City of Hamilton

BY-LAW NO. 93-

To Authorize:

The Levy of a Special Charge

In Respect of:

THE INTERNATIONAL VILLAGE BUSINESS IMPROVEMENT AREA

GENERALLY COVERING BOTH SIDES OF KING STREET EAST BETWEEN
MARY STREET AND WELLINGTON STREET NORTH

WHEREAS subsection 220(17) of the Municipal Act, R.S.O. 1990, Chapter M-45, provides that the Council may levy a special charge for the purposes of the Board of Management of an Improvement Area.

(17) Subject to such maximum and minimum charges as the Council may specify by by-law, the Council shall in each year levy a special charge upon persons in the area assessed for business assessment sufficient to provide a sum equal to the sum of money provided for the purposes of the Board of Management for that area, together with interest thereon at such rate as is required to repay any interest payable by the municipality on the whole or any part of such sum, which shall be borne and paid by such persons in the proportion that the assessed value of the real property that is used as the basis for computing the business assessment of each of such persons bears to the assessed value of all the real property in the area used as the basis for computing business assessment.

AND WHEREAS the Council of the City of Hamilton in adopting Section 4 of the First Report of the Planning and Development Committee on January 12, 1993 approved the amount of \$62,113.00 for 1993, for the purpose of the Board of Management of the Business Improvement Area designated by By-law No. 87-178.

AND WHEREAS it is intended that a special charge be levied in accordance with subsection 220(17) of the Municipal Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. There is hereby levied a special charge upon persons in the Improvement Area assessed for business assessment calculated as set out in Schedule "A" hereto annexed and forming part of this by-law.

(2)

2. The special charge levied shall be sufficient to provide a sum equal to the sum of \$62,113.00 provided for the purposes of the Board of Management for the Improvement Area designated by By-law No. 87-308 together with interest, if any.

3. The special charge and interest shall be borne and paid by the persons referred to in Section 1, in the proportion that the assessed value of the real property that is used as the basis for computing the business assessment of each of such persons bears to the assessed value of all the real property in the area used as the basis for computing business assessment.

PASSED this day of A.D. 1993

CITY CLERK

MAYOR

SCHEDULE "A"

To By-law No.

1. Total assessed value of all the real property
in the area used as the basis for computing
business assessment. \$1,015,282.00
2. The Mill Rate for the special charge is calculated
by: 61.1781
 - a) dividing the approved estimates of the
Board of Management by
 - b) the total assessed value and
 - c) multiplying the result by 1,000
3. Approved estimate for 1993 \$62,113.00

The Corporation of the City of Hamilton

BY-LAW NO. 93-

To Authorize:

The Levy of a Special Charge

In Respect of:

THE MAIN STREET WEST ESPLANADE BUSINESS IMPROVEMENT AREA

GENERALLY COMPRISED OF LANDS ON THE EAST AND WEST SIDES
OF MAIN STREET WEST BETWEEN LOCKE STREET ON THE WEST AND
QUEEN STREET ON THE EAST

WHEREAS subsection 220(17) of the Municipal Act, R.S.O. 1990, Chapter M-45, provides that the Council may levy a special charge for the purposes of the Board of Management of an Improvement Area.

(17) Subject to such maximum and minimum charges as the Council may specify by by-law, the Council shall in each year levy a special charge upon persons in the area assessed for business assessment sufficient to provide a sum equal to the sum of money provided for the purposes of the Board of Management for that area, together with interest thereon at such rate as is required to repay any interest payable by the municipality on the whole or any part of such sum, which shall be borne and paid by such persons in the proportion that the assessed value of the real property that is used as the basis for computing the business assessment of each of such persons bears to the assessed value of all the real property in the area used as the basis for computing business assessment.

AND WHEREAS the Council of the City of Hamilton in adopting Section 4 of the Fourth Report of the Planning and Development Committee on February 23, 1993 approved the amount of \$4,000.00 for 1993, for the purpose of the Board of Management of the Business Improvement Area designated by By-law No. 87-178.

AND WHEREAS it is intended that a special charge be levied in accordance with subsection 220(17) of the Municipal Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. There is hereby levied a special charge upon persons in the Improvement Area assessed for business assessment calculated as set out in Schedule "A" hereto annexed and forming part of this by-law.

2. The special charge levied shall be sufficient to provide a sum equal to the sum of \$4,000.00 provided for the purposes of the Board of Management for the Improvement Area designated by By-law No. 87-308 together with interest, if any.

3. The special charge and interest shall be borne and paid by the persons referred to in Section 1, in the proportion that the assessed value of the real property that is used as the basis for computing the business assessment of each of such persons bears to the assessed value of all the real property in the area used as the basis for computing business assessment.

PASSED this day of A.D. 1993

CITY CLERK

MAYOR

SCHEDULE "A"

To By-law No.

1. Total assessed value of all the real property
in the area used as the basis for computing
business assessment. \$252,899.00
2. The Mill Rate for the special charge is calculated 15.8166
by:
 - a) dividing the approved estimates of the
Board of Management by
 - b) the total assessed value and
 - c) multiplying the result by 1,000
3. Approved estimate for 1993 \$ 4,000.00

The Corporation of the City of Hamilton

BY-LAW NO. 93-

To Authorize:

The Levy of a Special Charge

In Respect of:

WESTDALE VILLAGE BUSINESS IMPROVEMENT AREA

GENERALLY COVERING KING STREET WEST AND THE AREA OF THE
INTERSECTION OF CLINE AVENUE AND KING STREET WEST AND EXTENDING
TO AN AREA WEST OF NEWTON AVENUE AND STERLING STREET

WHEREAS subsection 220(17) of the Municipal
Act, R.S.O. 1990, Chapter M-45, provides that the Council may
levy a special charge for the purposes of the Board of Management
of an Improvement Area.

(17) Subject to such maximum and
minimum charges as the Council may
specify by by-law, the Council shall
in each year levy a special charge upon
persons in the area assessed for business
assessment sufficient to provide a sum
equal to the sum of money provided for
the purposes of the Board of Management
for that area, together with interest
thereon at such rate as is required to
repay any interest payable by the
municipality on the whole or any part
of such sum, which shall be borne and
paid by such persons in the proportion
that the assessed value of the real
property that is used as the basis
for computing the business assessment
of each of such persons bears to the
assessed value of all the real property
in the area used as the basis for
computing business assessment.

AND WHEREAS the Council of the City of Hamilton
in adopting Section 3 of the Fifth Report of the Planning and
Development Committee on March 9, 1993 approved the amount of
\$25,000.00 for 1993, for the purpose of the Board of Management of the
Business Improvement Area designated by By-law No. 87-178.

AND WHEREAS it is intended that a special charge
be levied in accordance with subsection 220(17) of the Municipal
Act.

NOW THEREFORE the Council of The Corporation of
the City of Hamilton enacts as follows:

1. There is hereby levied a special charge upon
persons in the Improvement Area assessed for business assessment
calculated as set out in Schedule "A" hereto annexed and forming
part of this by-law.

(2)

2. The special charge levied shall be sufficient to provide a sum equal to the sum of \$25,000.00 provided for the purposes of the Board of Management for the Improvement Area designated by By-law No. 87-308 together with interest, if any.

3. The special charge and interest shall be borne and paid by the persons referred to in Section 1, in the proportion that the assessed value of the real property that is used as the basis for computing the business assessment of each of such persons bears to the assessed value of all the real property in the area used as the basis for computing business assessment.

PASSED this day of A.D. 1993

CITY CLERK

MAYOR

SCHEDULE "A"

To By-law No.

1. Total assessed value of all the real property
in the area used as the basis for computing
business assessment. \$673,699.00
2. The Mill Rate for the special charge is calculated 37.1086
by:
 - a) dividing the approved estimates of the
Board of Management by
 - b) the total assessed value and
 - c) multiplying the result by 1,000
3. Approved estimate for 1993 \$25,000.00

The Corporation of the City of Hamilton

BY-LAW NO. 93-

To Authorize:

The Levy of a Special Charge

In Respect of:

THE CONCESSION STREET BUSINESS IMPROVEMENT AREA

**GENERALLY COMPRISED OF LANDS COVERING CONCESSION STREET
BETWEEN EAST 18TH STREET AND EAST 25TH STREET**

WHEREAS subsection 220(17) of the Municipal Act, R.S.O. 1990, Chapter M-45, provides that the Council may levy a special charge for the purposes of the Board of Management of an Improvement Area.

(17) Subject to such maximum and minimum charges as the Council may specify by by-law, the Council shall in each year levy a special charge upon persons in the area assessed for business assessment sufficient to provide a sum equal to the sum of money provided for the purposes of the Board of Management for that area, together with interest thereon at such rate as is required to repay any interest payable by the municipality on the whole or any part of such sum, which shall be borne and paid by such persons in the proportion that the assessed value of the real property that is used as the basis for computing the business assessment of each of such persons bears to the assessed value of all the real property in the area used as the basis for computing business assessment.

AND WHEREAS the Council of the City of Hamilton in adopting Section 2 of the Second Report of the Planning and Development Committee on January 26, 1993 approved the amount of \$8,425.00 for 1993, for the purpose of the Board of Management of the Business Improvement Area designated by By-law No. 87-178.

AND WHEREAS it is intended that a special charge be levied in accordance with subsection 220(17) of the Municipal Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. There is hereby levied a special charge upon persons in the Improvement Area assessed for business assessment calculated as set out in Schedule "A" hereto annexed and forming part of this by-law.

(2)

2. The special charge levied shall be sufficient to provide a sum equal to the sum of \$8,425.00 provided for the purposes of the Board of Management for the Improvement Area designated by By-law No. 87-308 together with interest, if any.

3. The special charge and interest shall be borne and paid by the persons referred to in Section 1, in the proportion that the assessed value of the real property that is used as the basis for computing the business assessment of each of such persons bears to the assessed value of all the real property in the area used as the basis for computing business assessment.

PASSED this day of A.D. 1993

CITY CLERK

MAYOR

SCHEDULE "A"

To By-law No.

1. Total assessed value of all the real property
in the area used as the basis for computing
business assessment. \$729,508.00

2. The Mill Rate for the special charge is calculated 11.5489
by:
 - a) dividing the approved estimates of the
Board of Management by
 - b) the total assessed value and
 - c) multiplying the result by 1,000

3. Approved estimate for 1993 \$8,425.00

The Corporation of the City of Hamilton

BY-LAW NO. 93

To levy the Special Charges for 1993 for the Improvement Area in the Area between King William Street, Mary Street, Main Street East and James Street, designated by By-Law 82-151

WHEREAS, pursuant to Section 220(17) of the Municipal Act, R.S.O. 1990, Chapter M-45, the Board of Management for the Improvement Area has submitted Estimates for the year 1993:

AND WHEREAS, a Special Charge is to be levied to raise the sum equal to the total of the Estimates.

THEREFORE, the Council of The Corporation of the City of Hamilton enacts as follows:

1. The Estimates of the Board of Management for the Improvement Area in the area between King William Street, Mary Street, Main Street East and James Street for 1993 in the amount of \$155,000.00 are hereby approved.
2. In order to raise the said \$155,000.00 there is hereby levied a mill rate of 19.6207 as a Special Charge on the persons in the area assessed for business assessment, in accordance with By-law 82-152, as follows:
 - (1) The assessed value of all the real property in the Areas used as the basis for computing business assessment (known herein as "the Total Assessed Value") is
\$8,797,930
 - (2) The assessed value of the real property that is used as the basis for computing the business assessment for DMS Management Ltd. with respect to the hotel business known as "The Royal Connaught Hotel" at 82 King Street East is 592,212
This is reduced by two-thirds 394,808
to produce the Reduced Assessed Value of that business: \$197,404
 - (3) The assessed value of the real property that is used as the basis for computing the business assessment of Commonwealth Hospitality Ltd with respect to the hotel business known as "The Holiday Inn" at 150 King Street East is 754,938
This is reduced by two-thirds 503,292
to produce the Reduced Assessed Value of the business: \$251,646
 - (4) "The Reduced Total Assessed Value" is
\$8,797,930 - (394,808+503,292): \$7,899,830
 - (5) The Mill Rate for the Special Charge is calculated by:
 - (a) dividing the approved estimates of the Board of Management, \$155,000

(b) by the Reduced Total Assessed Value, \$7,899,830 and

(c) multiplying the result by 1,000: 19.6207

3. The portion of the Special Charge which is to be paid by the hotel business in sub-paragraph 2.(2) shall be determined by multiplying its Reduced Assessed Value by the Mill Rate.
4. The portion of the Special Charge to be paid by the hotel business in sub-paragraph 2.(3) shall be determined by multiplying its Reduced Assessed Value by the Mill Rate.
5. The portion of the Special Charge to be paid by each of the other persons in the Area assessed for business assessment shall be determined by multiplying the assessed value of the real property that is used as the basis for computing the business assessment of such person by the Mill Rate.

PASSED this day of A.D. 1993

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 93-

To Authorize:

The Levy of a Special Charge

In Respect of:

THE OTTAWA STEET NORTH BUSINESS IMPROVEMENT AREA

GENERALLY COVERING OTTAWA STREET NORTH BETWEEN MAIN STREET
EAST AND EXTENDING TO AN AREA NORTH OF BARTON STREET EAST

WHEREAS subsection 220(17) of the Municipal Act, R.S.O. 1990, Chapter M-45, provides that the Council may levy a special charge for the purposes of the Board of Management of an Improvement Area.

(17) Subject to such maximum and minimum charges as the Council may specify by by-law, the Council shall in each year levy a special charge upon persons in the area assessed for business assessment sufficient to provide a sum equal to the sum of money provided for the purposes of the Board of Management for that area, together with interest thereon at such rate as is required to repay any interest payable by the municipality on the whole or any part of such sum, which shall be borne and paid by such persons in the proportion that the assessed value of the real property that is used as the basis for computing the business assessment of each of such persons bears to the assessed value of all the real property in the area used as the basis for computing business assessment.

AND WHEREAS the Council of the City of Hamilton in adopting Section 2 of the 1st Report of the Planning and Development Committee on January 12, 1993 approved the amount of \$87,000.00 for 1993, for the purpose of the Board of Management of the Business Improvement Area designated by By-law No. 87-178.

AND WHEREAS it is intended that a special charge be levied in accordance with subsection 220(17) of the Municipal Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. There is hereby levied a special charge upon persons in the Improvement Area assessed for business assessment calculated as set out in Schedule "A" hereto annexed and forming part of this by-law.

(2)

2. The special charge levied shall be sufficient to provide a sum equal to the sum of \$87,000.00 provided for the purposes of the Board of Management for the Improvement Area designated by By-law No. 87-308 together with interest, if any.

3. The special charge and interest shall be borne and paid by the persons referred to in Section 1, in the proportion that the assessed value of the real property that is used as the basis for computing the business assessment of each of such persons bears to the assessed value of all the real property in the area used as the basis for computing business assessment.

PASSED this day of A.D. 1993

CITY CLERK

MAYOR

(3)

SCHEDULE "A"

To By-law No.

1. Total assessed value of all the real property
in the area used as the basis for computing
business assessment. \$1,463,229.00
2. The Mill Rate for the special charge is calculated 59.4575
by:
 - a) dividing the approved estimates of the
Board of Management by
 - b) the total assessed value and
 - c) multiplying the result by 1,000
3. Approved estimate for 1993 \$87,000.00

The Corporation of the City of Hamilton

BY-LAW NO. 93-

**TO FIX THE RATES OF TAXATION
FOR MUNICIPAL PURPOSES FOR THE YEAR 1993**

WHEREAS the Estimates for the year 1993 which set forth the revenues and expenditures of the Corporation of the City of Hamilton, were approved by the Council of the Corporation of the City of Hamilton on February 26, 1993 and

WHEREAS it is necessary to impose rates of taxation for the year 1993,

THEREFORE, the Council of The Corporation of the City of Hamilton enacts as follows:

1. That there shall be levied and raised on the whole of the rateable property of the Corporation of the City of Hamilton in the amount of \$1,006,177,847.00, of which \$593,419,976.00 is Residential assessment and \$412,757,871.00 is Non-residential assessment, the following rates of taxation:

(1)	For general municipal purposes	122.6121	
	mills producing		\$123,369,580.00

(2) The amount to be levied and raised against "residential" assessments in the amount of \$593,419,976.00 as required by The Municipal Act shall be reduced by \$10,914,050.00 or 18.3918 mills in accordance with Section 9(3a) of The Ontario Unconditional Grants Act, R.S.O. 1990, Chapter O.38

	<u>\$ 10,914,050.00</u>
	<u>\$112,455,530.00</u>

2. The rate to be levied against "residential" assessments as required by The Municipal Act for Municipal purposes is 104.2203 mills on the dollar.

3. The rate to be levied against "non-residential" assessments as required by The Municipal Act for Municipal purposes is 122.6121 mills on the dollar.

4. This by-law comes into force on the date on which it is enacted by the Council of The Corporation of the City of Hamilton.

PASSED this day of A.D., 1993.

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 93-

TO FIX THE RATES OF TAXATION FOR REGIONAL PURPOSES FOR THE YEAR 1993

WHEREAS the Regional Municipality of Hamilton-Wentworth has approved the requisition to The Corporation of the City of Hamilton for \$124,510,470.00 representing the City of Hamilton's share of the cost of operating the Regional Municipality of Hamilton-Wentworth for the year 1993.

WHEREAS after the deduction of \$9,297,800.00 of 1993 estimated shared revenues, the funds for which have been provided in the City of Hamilton 1993 Estimates, and the addition of the 1992 underlevy in the amount of \$242,623.00, it is intended to levy against the ratepayers of the City of Hamilton the resulting net amount of \$115,455,293.00 for the year 1993.

NOW THEREFORE The Council of The Corporation of the City of Hamilton enacts as follows:

1. The estimated Corporation of the City of Hamilton's share of the Regional Municipality of Hamilton-Wentworth's 1993 levy, in the amount of \$124,510,470.00 is hereby adopted as part of the 1993 Estimates of The Corporation of the City of Hamilton.

2. That there shall be levied and raised on the whole of the rateable property of The Corporation of the City of Hamilton in the amount of \$1,006,177,847.00 of which \$593,419,976.00 is Residential assessment and \$412,757,871.00 is Non-residential assessment, the following rates of taxation:

(1)	for Regional purposes 125.8828 mills producing	126,660,480.00
(2)	the amount to be levied and raised against "residential" assessments in the amount of \$593,419,976.00 as required by The Municipal Act shall be reduced by \$11,205,190.00 or 18.8824 mills in accordance with Section 9(3a) of The Ontario Unconditional Grants Act, R.S.O. 1990, Chapter O.38	\$ 11,205,190.00
		<u>\$115,455,290.00</u>
(3)	the rate to be levied against "residential" assessments as required by The Municipal Act for Regional purposes is 107.0004 mills on the dollar	
(4)	the rate to be levied against "non- residential" assessments as required by The Municipal Act for Regional purposes is 125.8828 mills on the dollar	

(5) this by-law comes into force on the
date on which it is enacted by the Council of The
Corporation of the City of Hamilton.

PASSED this

day of

A.D., 1993.

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 93-

TO FIX THE RATES OF TAXATION FOR SCHOOL PURPOSES
FOR THE YEAR 1993

WHEREAS the estimates of revenues and expenditures of the Board of Education for the City of Hamilton and the Hamilton-Wentworth Roman Catholic Separate School Board, for school purposes, have been submitted to the Finance and Administration Committee of the City of Hamilton.

WHEREAS it is necessary to impose rates of taxation for the year 1993 for school purposes.

THEREFORE, the Council of The Corporation of the City of Hamilton enacts as follows,

1. That there shall be levied and raised on the whole of the rateable property of The Corporation of the City of Hamilton in the amount of \$1,006,177,847.00, of which \$593,419,976.00 is Residential assessment and \$412,757,871.00 is Non-residential assessment, the following rates of taxation,

(a)	for Public School elementary purposes 138.0427 mills on all rateable property in the amount of \$782,230,807.00, of which \$430,237,694.00 is Residential assessment and \$351,993,113.00 is Non- residential assessment, liable for Public School rates as requested to be levied by the Board of Education for the City of Hamilton producing	\$107,981,260.00
(b)	for Separate School elementary purposes 138.0427 mills on all rateable property in the amount of \$223,947,040.00, of which \$163,182,282.00 is Residential assessment and \$60,764,758.00 is Non- residential assessment, liable for Separate School rates as requested to be levied by the Hamilton- Wentworth Roman Catholic Separate School Board producing	30,914,250.00
(c)	for Public School secondary purposes 85.7207 mills on all rateable property in the amount of \$782,230,807.00 of which \$430,237,694.00 is Residential assessment and \$351,993,113.00 is Non- residential assessment, liable for Secondary School rates as requested to be levied by the Board of Education for the City of Hamilton producing	67,053,370.00

(d) for Separate School Secondary purposes
85.7207 mills on all rateable property in the amount
of \$223,947,040.00 of which \$163,182,282.00 is
Residential assessment and \$60,764,758.00 is Non-
residential assessment liable for Separate School
rates as requested to be levied by the Hamilton-
Wentworth Roman Catholic Separate School Board
producing 19,196,900.00

\$225,145,780.00

(e) The amount to be levied and raised
against "residential" assessments in the amount of
\$430,237,694.00 determined as required by The
Municipal Act shall be reduced by \$8,908,670.00 or
20.7064 mills which is the amount of the estimated
revenue from payments to be received by the Board
of Education of The Corporation of the City of
Hamilton in 1993 for elementary school purposes
under The Education Act, R.S.O. 1990, Chapter E. 2 \$ 8,908,670.00

(f) The amount to be levied and raised
against "residential" assessments in the amount of
\$163,182,282.00 as required by The Municipal Act
shall be reduced by \$3,378,920.00 or 20.7064 mills
which is the amount of the estimated revenue from
payments to be received by the Hamilton-Wentworth
Roman Catholic Separate School Board in 1993
for elementary school purposes under the Education
Act, R.S.O. 1990, Chapter E. 2 3,378,920.00

(g) The amount to be levied and raised
against "residential" assessments in the amount of
\$430,237,694.00 determined as required by The
Municipal Act shall be reduced by \$5,532,040.00
or 12.8581 mills which is the amount of the estimated
revenue from payments to be received by The Board
of Education of The Corporation of the City of
Hamilton in 1993 for secondary school purposes
under The Education Act, R.S.O. 1990, Chapter E. 2 5,532,040.00

(h) The amount to be levied and raised
against "residential" assessments in the amount of
\$163,182,282.00 determined as required by The
Municipal Act shall be reduced by \$2,098,220.00 or
12.8581 mills which is the amount of the estimated
revenue from payments to be received by the Hamilton-
Wentworth Roman Catholic Separate School Board
in 1993 for secondary school purposes under The
Education Act, R.S.O. 1990, Chapter E. 2 2,098,220.00

\$205,227,930.00

2. The Education rate to be levied against "residential" assessments as required by The Municipal Act for:

(a) Public School supporters is 190.1989 mills on the dollar, and

(b) Separate School supporters is 190.1989 mills on the dollar.

3. The Education rate to be levied against "non-residential" assessments as required by The Municipal Act for:

(a) Public School supporters is 223.7634 mills on the dollar, and

(b) Separate School supporters is 223.7634 mills on the dollar.

4. The By-law comes into force on the date on which it is enacted by the Council of The Corporation of the City of Hamilton.

PASSED this

day of

A.D., 1993.

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 93-

**TO FIX THE TOTAL RATES OF TAXATION FOR
MUNICIPAL, REGIONAL AND SCHOOL PURPOSES FOR THE YEAR 1993**

WHEREAS the Council of The Corporation of the City of Hamilton has approved By-laws 93- , 93- and 93- being By-laws to impose rates of taxation for the year 1993 for:

- (a) Municipal purposes
- (b) Regional purposes
- (c) Education purposes

AND WHEREAS it is intended to consolidate herein the levies referred to in said by-laws.

NOW THEREFORE The Council of The Corporation of the City of Hamilton enacts as follows:

1. The total rate to be levied against "residential" assessments as required by The Municipal Act:

- (a) by Public School supporters is 401.4196 on the dollar, and
- (b) by Separate School supporters is 401.4196 on the dollar.

2. The total rate to be levied against "non-residential" assessments as required by The Municipal Act:

- (a) by Public School supporters is 472.2583 on the dollar, and
- (b) by Separate School supporters is 472.2583 on the dollar.

3. This By-law comes into force on the date on which it is enacted by The Council of The Corporation of the City of Hamilton.

PASSED this

day of

A.D., 1993.

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 93-

To Levy:

AN ANNUAL TAX ON TELEPHONE COMPANIES DOING BUSINESS IN ONTARIO

Respecting:

THE BELL TELEPHONE COMPANY OF CANADA

WHEREAS Section 159 of the Municipal Act, R.S.O. 1990, Chap. M.45, empowers the Council of The Corporation of the City of Hamilton to levy on every telephone company doing business in Ontario an annual tax equal to 5 per cent of the total gross receipts of such company for the preceding year;

AND WHEREAS The Bell Telephone Company of Canada is a telephone company doing business in the Municipality of the City of Hamilton;

AND WHEREAS the gross receipts of The Bell Telephone Company of Canada, doing business within the Municipality of the City of Hamilton is in the amount of \$141,410,592.00 the year ended the 31st day of December, 1992;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. It is hereby authorized and directed that a tax for the fiscal year ended December 31, 1993, be levied on the Bell Telephone Company of Canada Limited in the amount of \$7,070,529.60.

2. That the tax levied hereunder shall be collected in the same manner as municipal taxes are collectible and is a special lien under Section 382 of the Municipal Act on all the lands of The Bell Telephone Company of Canada.

PASSED this

day of

A.D., 1993.

CITY CLERK

MAYOR

BY-LAW NO. 93 -

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 27TH DAY OF APRIL A.D., 1993.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 27th

day of April

A.D. 1993

CITY CLERK

MAYOR

URBAN/MUNICIPAL

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The Urban/Municipal Collection
2nd Floor
Hamilton Public Library

MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON

Tuesday, 1993 May 11
7:30 o'clock p.m.
Council Chambers, City Hall

URBAN MUNIC
MAY 04 1993
GOVERNMENT DOCUMENTS

J. J. Schatz
City Clerk

AGENDA

1. National Anthem
2. Opening Prayer
Imam Abdul Rouf
Muslim Mosque
3. Minutes
1993 April 27
4. Petitions and Correspondence

5. *Reports of the Standing Committees*

(a) *Transport and Environment Committee*

(c) *Planning and Development Committee*

(h) *Finance and Administration Committee*

6. *Notices of Motion for Next Meeting*

7. *First Reading of the Bills*

8. *Second Reading of the Bills - Committee of the Whole*

9. *Third Reading of the Bills*

10. *Question Period*

11. *Adjournment.*

MINUTES

Minutes of Hamilton City Council

1993 April 27

7:30 o'clock p.m.

Council Chambers, City Hall

The Council met:

Present: Mayor Robert M. Morrow
Aldermen Cooke, Kiss, Agro, McCulloch, Morelli, Drury, Copps, Wilson,
Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, Ross, D'Amico.

Mayor R. M. Morrow called the meeting to order.

* * * * *

The National Anthem was played.

* * * * *

Father Ted Slaman, Annunciation of Our Lord led Council in Prayer.

* * * * *

Mayor R. M. Morrow, introduced Milton Lewis, Q.C. and Vincenza Travale, Co-Chairs of
Hamilton Sesquicentennial Committee.

* * * * *

Mayor Morrow proclaimed the following:

- (a) "The Salvation Army Red Shield Month - Month of May, 1993"
- (b) "Arbour Week - 1993 April 30 to 1993 May 9th"
- (c) "Battle of Atlantic" (1939-1945) - 50th Anniversary, 1943 May 1
- (d) "Jeans Day" May 6 and May 7, 1993

* * * * *

The minutes of the Regular meeting of 1993 April 13 were adopted as circulated.

CORRESPONDENCE

1. Letter dated 1993 April 15 from R. Scott Smith, Secretary to the Board, The Hamilton Harbour Commissioners, Hamilton, Ontario for amendments to Hamilton Harbour Cargo Rates Tariff, PC. 1990-1592.

Referred to the Transport and Environment Committee

2. Application dated 1993 April 15 from DiCenzo Construction Company Limited, Hamilton, Ontario for a change in Zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for lands located east of DiCenzo Drive and south of Stone Church Road East, Hamilton, Ontario.

Received.

3. Letters dated 1993 February 22 and 1993 April 26 respectively from R.R. Hennessy, P. Eng. the Port Director, Hamilton Harbour Commission respecting the Windermere Basin Rehabilitation Project.

Referred to the Transport and Environment Committee

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss that the Reports of the Parks and Recreation Committee, the Planning and Development Committee, and the Finance and Administration Committee, be now considered in Committee of the Whole with Alderman Ross in the Chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

<p>PARKS AND RECREATION COMMITTEE - EIGHTH REPORT</p>
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Section 4 Re: Sale of beer - Hamilton & District Ladies Industrial Softball League - Globe Park

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Merling, Anderson, D'Amico, Ross. -16.

NAYS: Alderman Jackson. -1.

CARRIED.

* * * * *

Section 5 Re: Sale of Food and Alcoholic Beverages - Vintage Auto Sprints - Dundurn Park

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Merling, Anderson, D'Amico, Ross. -16.

NAYS: Alderman Jackson. -1. **CARRIED.**

* * * * *

Section 7 Re: City of Hamilton Canada Day Celebrations - Mohawk Sports Park

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Jackson, Merling, Anderson, D'Amico, Ross. -16.

NAYS: Alderman Charters. -1. **CARRIED.**

* * * * *

Section 8 Re: Sale of food and alcoholic beverages - Portuguese Association of St. Michael the Archangel - Dundurn Park

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Merling, Anderson, D'Amico, Ross. -16.

NAYS: Alderman Jackson. -1. **CARRIED.**

* * * * *

**Section 9 Re: Sale of food and alcoholic beverages - Mozart Chamber Orchestra -
Dundurn Park**

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli,
Wilson, Agostino, Eisenberger, Charters, Merling, Anderson, D'Amico, Ross. -
15.

NAYS: Aldermen Copps, Jackson. -2. **CARRIED.**

* * * * *

**Section 10 Re: Sale of food and alcoholic beverages - Hamilton and District Labour
Council - Dundurn Park Pavilion**

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli,
Copps, Wilson, Agostino, Eisenberger, Charters, Merling, Anderson, D'Amico,
Ross. -16.

NAYS: Alderman Jackson. -1. **CARRIED.**

* * * * *

Section 11 Re: Closure of Capital Project Accounts

It was moved by Alderman Copps and seconded by Alderman Jackson that the total figures in Section 11 of the Eighth Report of the Parks and Recreation Committee relating to the closure of Capital Project accounts be amended to correctly read as follows:

	Authorized Gross Cost	Expended/ Committed To date	Balance Available
Total	\$407,000.	\$ 394,518.71	\$ 12,481.29 CARRIED.

* * * * *

Section 12 Re: Street Tree Cleanup - 1993 April 1 - Ice Storm

It was moved by Alderman Jackson and seconded by Alderman Copps that Section 12 of the Eighth Report of the Parks and Recreation Committee for 1993 be amended by deleting Sub-sections (b) and (c). CARRIED.

* * * * *

Section 19 Re: West Mountain Twin Pad Arena and Community Centre Budget - "Seed" money for Bocci Facility

It was moved by Alderman Jackson and seconded by Alderman Anderson that Section 19 of the Eighth Report of the Parks and Recreation Committee for 1993 be amended by adding the words "(with adjustments)" in Sub-sections (a) and (d) following the amount of \$123,000. CARRIED.

PARKS AND RECREATION COMMITTEE - NINTH REPORT

Section 4 Re: Harm Schilthuis and Sons Ltd. - Supply and Installation of a pier structure, pavilion and floating dock at Pier 4 Park

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -16.

NAYS: Alderman Copps. -1.

CARRIED.

PLANNING AND DEVELOPMENT COMMITTEE - EIGHTH REPORT

Section 3 Re: 1993 Canadian Institute of Planners Conference - Victoria, British Columbia

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -16.

NAYS: Alderman Copps. -1.

CARRIED.

FINANCE AND ADMINISTRATION COMMITTEE - NINTH REPORT

**Section 3 Re: Frank Bufalino & Sons Construction Ltd. - New Fire Station 4
- Upper Sherman Ave**

It was moved by Alderman Copps and seconded by Alderman Merling that section 3 of the Ninth Report of the Finance and Administration Committee be referred back and that a report be prepared on the potential positive and negative impact on this years budget.

Recorded vote to refer back Section 3

YEAS: Aldermen Kiss, Agro, Drury, Morelli, Copps, Charters, Jackson, Merling. -8.

NAYS: Mayor Morrow, Aldermen Cooke, McCulloch, Wilson, Agostino, Eisenberger, Anderson, D'Amico, Ross. -9. **LOST.**

Recorded vote on Section 3

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Wilson, Agostino, Eisenberger, Merling, Anderson, D'Amico, Ross. -14.

NAYS: Aldermen Copps, Charters, Jackson. -3. **CARRIED.**

FINANCE AND ADMINISTRATION COMMITTEE - TENTH REPORT

Section 1 Re: Document entitled "Jobs and Services: A Social Contract for the Ontario Public Sector and Ontario's Expenditure Control Plan"

It was moved by Alderman Agostino and seconded by Alderman Eisenberger that Section 1 of the Tenth Report of the Finance and Administration Committee be amended by adding the following as sub-section (c)

- (c) "That a copy of this resolution be forwarded to the Association of Municipalities of Ontario for their support." **CARRIED.**

RULE NO. 8 OF PROCEDURAL BY-LAW 82-203

It was moved by Alderman Drury and seconded by Alderman McCulloch that Rule No. 8 of the City's Procedural By-law be temporarily suspended for this meeting of City Council in order to consider a resolution regarding the pursuit of a N.H.L. franchise.

CARRIED.

RESOLUTION RE: N.H.L. FRANCHISE

It was moved by Alderman Drury and seconded by Alderman Cooke that the City of Hamilton confirm its commitment to the pursuit of an N.H.L. franchise for Copps Coliseum, and

That it confirm the mandate of the Mayor and the H.E.C.F.I. Board to negotiate an agreement with a potential N.H.L. tenant, and

That such agreement be for the consideration and approval of the City Council.

CARRIED.

* * * * *

ACTING MAYOR

It was moved by Alderman Cooke and seconded by Alderman Kiss that Alderman G. Copps be appointed Acting Mayor for the month of May, 1993. **CARRIED.**

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss that the Report of the Committee of the Whole on the Reports of the Parks and Recreation Committee, the Planning and Development Committee, and the Finance and Administration Committee, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -16.

NAYS: -0. **CARRIED.**

ADOPTION OF BILLS

It was moved by Alderman Cooke and seconded by Alderman Kiss that the following Bills be now read a first time:

C-35, C-36, C-37, C-38, C-39.
H-26, H-27, H-28, H-29, H-30, H-31, H-32, H-33, H-34, H-35, H-36, H-37, H-38.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -16.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss that Council move into Committee of the Whole to consider the following Bills, with Alderman Ross in the chair. (second reading).

C-35, C-36, C-37, C-38, C-39.

H-26, H-27, H-28, H-29, H-30, H-31, H-32, H-33, H-34, H-35, H-36, H-37, H-38.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -16.

NAYS: -0.

CARRIED.

* * * * *

Consideration of the Bills (second reading).

* * * * *

It was moved by Alderman Cooke seconded by Alderman Kiss that the Report of the Committee of the Whole on the following Bills, be adopted. -

C-35, C-36, C-37, C-38, C-39.

H-26, H-27, H-28, H-29, H-30, H-31, H-32, H-33, H-34, H-35, H-36, H-37, H-38.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -16.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss that the following Bills, be now read a third time, signed, sealed and enrolled as By-laws:

C-35, C-36, C-37, C-38, C-39.

H-26, H-27, H-28, H-29, H-30, H-31, H-32, H-33, H-34, H-35, H-36, H-37, H-38.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -16.

NAYS: -0.

CARRIED.

1993 April 27

* * * * *

City Council then adjourned at 8:50 o'clock p.m.

* * * * *

Taken as read and approved.

Mayor R. M. Morrow

J. J. Schatz, City Clerk
1993 April 27

CORRESPONDENCE

Correspondence

1. Application dated 1993 April 30 from 800064 Ontario Inc., 161 Rebecca Street, Hamilton, Ontario for a change in zoning from "C" (Urban Protected Residential, etc.) District modified to "R-4" (Small Lot Single-Family Detached) District for Block "1" and to "DE-2" (Multiple Dwellings) District for Block "2" for lands located south of Claudette Gate and West of Garth Street, Hamilton, Ontario.

Recommendation:

Be Received.

1993 May 11

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Transport and Environment Committee presents its **SIXTH** Report for 1993 and respectfully recommends:

1. (a) That the existing "Permit Parking" regulation on the east side of Locke Street North which commences at a point 80 feet north of Napier Street and extends to a point 102 feet northerly therefrom be extended such that the regulation commences at a point 80 feet north of Napier Street and extends to a point 117 feet northerly therefrom; and
(b) That the City Traffic By-law No. 89-72 be amended accordingly.
2. (a) That a "One Hour Parking Time Limit, 24 hours a day, seven days a week" regulation be implemented on the north side of Kinnell Street between Inchbury Street and the westerly end; and
(b) That a "No Parking" regulation be implemented on the south side of Kinnell Street between Inchbury Street and the westerly end; and
(c) That the City Traffic By-law No. 89-72 be amended accordingly.
3. (a) That the existing "Alternate Side Parking" regulation on London Street South between King Street East and Main Street East, be revised such that the regulation commences at Central Avenue and extends to Main Street East on the east side and such that the regulation commences at a point 11 feet north of the north curb line of Central Avenue and extends to Main Street East on the west side; and
(b) That a "No Parking" regulation be implemented on the west side of London Street South, commencing at a point 11 feet north of the north curb line of Central Avenue and extending to a point 86 feet southerly therefrom; and

1993 May 11

- (c) That a "No Parking" regulation be implemented on the east side of London Street South between King Street East and Central Avenue; and
 - (d) That the City Traffic By-law No. 89-72 be amended accordingly.
4. (a) That a "One Hour Parking Time Limit, 8:00 a.m. to 4:00 p.m., Monday to Friday" regulation be implemented on both sides of Acadia Drive between Butler Drive (west leg) and Beaverton Drive; and
- (b) That the City Traffic By-law No. 89-72 be amended accordingly.
5. (a) That a "One Hour Parking Time Limit, 8:00 a.m. to 5:00 p.m., Monday to Friday" regulation be implemented on both sides of Emming Court between Delmar Drive and the east end; and
- (b) That the City Traffic By-law No. 89-72 be amended accordingly.
6. (a) That the existing "No Parking" regulation on the west side of Harmony Avenue between Harrison Avenue and Vansitmart Avenue be replaced with unrestricted parking; and
- (b) That the City Traffic By-law No. 89-72 be amended accordingly.
7. (a) That a "No Parking" regulation be implemented on the north and west sides of Purnell Drive between Clifton Downs Road (west leg) and Bentley Place; and
- (b) That the existing "No Parking" regulation on the east side of Purnell Drive commencing at Clifton Downs Road (north leg) and extending to a point 712 feet southerly therefrom be extended, such that the regulation commences on the south side of Purnell Drive at a point 530 feet east of Clifton Downs Road (west leg) and extends to Clifton Downs Road (north leg); and
- (c) That the City Traffic By-law No. 89-72 be amended accordingly.
8. (a) That the existing "Permit Parking" regulation on the south side of Herkimer Street commencing at a point 643 feet west of Locke Street South and extending to a point 23 feet westerly therefrom be removed; and

1993 May 11

- (b) That the City Traffic By-law No. 89-72 be amended accordingly.
9. (a) That a "Permit Parking" regulation be implemented on the east side of Weir Street North commencing at a point 186 feet south of Britannia Avenue and extending to a point 22 feet southerly therefrom; and
- (b) That the Director of Traffic Services be authorized to issue one parking permit to Mrs. Edwards, No. 182 Weir Street North; and
 - (c) That the City Traffic By-law No. 89-72 be amended accordingly.
10. (a) That a "Permit Parking" regulation be implemented on the west side of London Street South commencing at a point 68 feet south of Montclair Avenue and extending to a point 19 feet southerly therefrom; and
- (b) That a "Permit Parking" regulation be implemented on the east side of London Street South commencing at a point 77 feet south of Montclair Avenue and extending to a point 18 feet southerly therefrom; and
 - (c) That the Director of Traffic Services be authorized to issue one parking permit to Mrs. McMillan, No. 162 London Street South; and
 - (d) That the City Traffic By-law No. 89-72 be amended accordingly.
11. That the School Crossing Guard at the intersection of Cumberland Avenue and Sherman Avenue be relocated to the intersection of Cumberland Avenue and Norway Avenue.
12. That the School Crossing Guard service be discontinued during the lunch hour period at the signalized intersection of Barton Street East and Nash Road.
13. (a) That a "No Stopping, Wheelchair Loading Only" regulation be implemented on the west side of Cheever Street commencing at a point 245 feet south of Birge Street and extending to a point 20 feet southerly therefrom; and
- (b) That the City Traffic By-law No. 89-72 be amended accordingly.

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14. (a) That a "No Parking 7:00 a.m. to 6:00 p.m., Monday to Friday" regulation be implemented on the west side of Ewen Road commencing at a point 276 feet south of Ofield Road and extending to a point 67 feet southerly therefrom; and
(b) That the City Traffic By-law No. 89-72 be amended accordingly.
15. (a) That a "No Parking" regulation be implemented on the north side of Edgewood Avenue, commencing at High Street and extending to a point 55 feet westerly therefrom; and
(b) That the City Traffic By-law No. 89-72 be amended accordingly.
16. (a) That in accordance with the request by the Hamilton Street Railway Company the following new bus stop be approved:

Route 53 Burlington

Westbound - Glow Avenue, north side, 26 feet east of the east curb line of Dunn Avenue (N/S); and
(b) That the City Traffic By-law No. 89-72 be amended accordingly.
17. (a) That the existing "One Hour Metered Parking" regulation on the east side of Huxley Avenue North commencing at Main Street East and extending to a point 95 feet northerly therefrom be replaced with a "Two Hour Metered Parking" regulation; and
(b) That the City Traffic By-law No. 89-72 be amended accordingly.
18. That the application of L. Ellis, agent for the Boy Scouts of Canada (375 James Street South, Hamilton L8P 3B9) to temporarily close the following City Streets, on Saturday 1993 May 29, from 8:00 o'clock a.m. to 12:00 o'clock noon, for the annual Boy Scout/Girl Guide Parade be approved:

Devonport Street from York and Tom
Strathcona Avenue from York and Tom
Inchbury Street from York and Florence

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Locke Street from York and Florence
Pearl Street from York and Florence
Ray Street from York and Florence
Peter Street from Ray to Hess
Napier Street from Ray to Queen
Market Street from Ray to Hess
George Street from Ray to Hess
Hess Street from Jackson to King
Caroline Street from Jackson to King
MacNab Street from Main to Hunter
Jackson Street from MacNab to City Hall parking lot

subject to the following conditions:

- (a) That approval from Regional Police Services be received;
- (b) That the applicant provide proof of \$2,000,000. public liability insurance, naming the Region and the City of Hamilton as an added insured party with a provision for cross liability, and holding the Region and the City of Hamilton harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss;
- (c) That all barricading, detour signing and traffic control be subject to the direction of Regional Police Services;
- (d) That all barricading be supplied by and at the expense of the applicant;
- (e) That temporary road closure signs be installed in advance by the City of Hamilton, Traffic Department, on the affected roadways, if deemed necessary by the Director of Traffic Services;
- (f) That the applicant ensure that clean-up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the City and at the expense of the event organizer;
- (g) That no property owner or resident within the barricaded area be denied access to their property upon request;

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- (h) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the Commissioner of Transportation/Environmental Services.

- 19. (a) That the submitted schedules of works be adopted for inclusion in the Subdivision Agreement with the Owner for the estimated costs of services in;

" WISEMOUNT ESTATES - PHASE 3 ", Hamilton

City's Share \$16,688.15 Subdivider's Share \$252,689.68

- (b) That the Mayor and City Clerk be authorized and directed to execute the proposed Subdivision Agreement with the Owner of "Wisemount Estates - Phase 3", Hamilton and any other related documents for this Subdivision subject to the approval of the City Solicitor.
 - (c) That approval of the above-noted clauses be subject to the condition that no work be commenced until the Final Plan and Subdivision Agreement have been registered.
 - (d) In the event that the owners wish to proceed prior to the registration of the Final Plan and Subdivision Agreement being registered they should be allowed to do so at their own risk provided that they enter into a standard agreement with the City of Hamilton for pre-servicing.
 - (e) That the City's share for the costs of services in "Wisemount Estates - Phase 3" (\$16,688.15) be approved and the Finance and Administration Committee recommend the source of funding for this project.
- 20. (a) That the following City lands be incorporated into the street in order to complete the final street width or provide access to newly registered subdivision developments:

Elite Drive	Part 2	Plan 62R-12045
Acadia Drive	Parts 9 and 12	Plan 62R-11096
Acadia Drive	Block 29	Plan 62M-644

1993 May 11

- (b) That the by-laws to carry out the incorporation of the said lands into the foregoized streets be enacted by City Council.
 - (c) That the Commissioner of Transportation/Environmental Services be authorized and directed to register the by-laws.
21. (a) That By-Law No. 92-152 be amended by substituting all references to Plan 62R-11929 with Plan 62R-11979.
- (b) That the by-law to carry out the amendment be enacted by City Council.
 - (c) That the Commissioner of Transportation/Environmental Services be authorized and directed to register the by-law.
22. (a) That the proposal to close Bay Street North be referred back to the Parks and Recreation Committee.
- (b) That the Parks and Recreation Committee be requested to review the proposal to close Bay Street North, within the context of the West Harbourfront Development Study.
23. (a) That the construction of concrete sidewalks on the west side of Upper Wellington Street from Bryna Avenue to the north limits of the East-West Freeway proceed as local improvements pursuant to Section 12 of the Local Improvement Act at an estimated gross cost of \$25,300. with a City's share of \$7,144. and Owner's share of \$18,156. all as provided in the 1993 portion of the 1993 - 2002 Capital Budget; and
- (b) That the Finance and Administration Committee be requested to recommend a source of funding for this Capital Project; and
 - (c) That the Commissioner of Transportation/Environmental Services be authorized to construct these works on behalf of the City once all the necessary approvals have been received; and
 - (d) That the City Clerk and City Treasurer be directed to give the necessary notice of City Council's intention to undertake these works.

24.
 - (a) That the construction of a finished roadway on Acadia Drive approximately 50 m south of Butler Drive to approximately 200 m southerly proceed as a Local Improvement pursuant to Section 11 of the Local Improvement Act at an estimated gross cost \$111,600. as provided in the 1993 portion of the 1993 - 2002 Capital Budget with a City's Share of \$22,800. and an Owner's Share of \$88,800.; and
 - (b) That the Finance and Administration Committee be requested to recommend a source of funds for this Capital project; and
 - (c) That the Commissioner of Transportation/Environmental Services be authorized to construct these works once all the necessary approvals have been received.
25. That the Finance and Administration Committee recommend a method of financing the estimated overdraft of \$3,387,147. for the 1992/93 winter season - snow control accounts.
26. That the City of Hamilton take "no action" in regard to the request by the Hamilton Harbour Commissioners for the City to contribute additional funds in the amount of \$94,943.26 towards the Windermere Basin Rehabilitation Project.
27.
 - (a) That an all way stop control be implemented at the intersection of Duke Street and Hess Street South.
 - (b) That the City Traffic By-law No. 89-72 be amended accordingly.
28.
 - (a) That a "Permit Parking" regulation be implemented on the west side of East 18th Street between Concession Street and Mountville Avenue; and
 - (b) That the Director of Traffic Services be authorized to issue, upon request, one parking permit to each of the first sixteen eligible applicants residing in the block to a maximum of sixteen permits; and
 - (c) That the City Traffic By-law No. 89-72 be amended accordingly.

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29. That leave be granted to introduce the following Bills:

- (a) **A-36** By-law to incorporate Block 29, Plan 62M-644 into Acadia Drive
- (b) **A-37** By-law to incorporate Part 2, Plan 62R-12045 into Elite Drive
- (c) **A-38** By-law to incorporate Parts 9 and 12, Plan 62R-11096 into Acadia Drive
- (d) **A-39** By-law to Amend By-law No. 92-152 into Fieldway Drive
- (e) **A-40** By-law to Amend By-law No. 89-72 to Regulate Traffic
- (f) **A-41** By-law to Amend By-law No. 89-72 to Regulate Traffic

Respectfully Submitted,

Kevin C. Christenson
Secretary

ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE

1993 May 3

1993 May 11

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **NINTH** Report for 1993 and respectfully recommends:

1. That the City of Hamilton accept the sum of \$38,556. as a cash payment in lieu of the 5% land dedication in connection with Rymal Square Estates - Phase 4, Hamilton, located between Upper Wentworth Street and Upper Sherman Avenue in the Butler Neighbourhood, being the cash payment required under Section 51 of the Planning Act.
2.
 - (a) That approval be given to the "Intent to Designate" Barton Stone United Church at 21 Stone Church Road West as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation attached hereto and marked as Appendix "A"; and
 - (b) That the City Solicitor be authorized as directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.
3. That the Region be requested to grant a three-year extension to the draft approval for "Wisemount Estates" Subdivision.
4.
 - (a) That By-law No. 93-019, as amended by By-law No. 93-032, respecting Tariff of Fees, be amended to incorporate the following Departmental user fee:
 - i. Request by any applicant or agent of an Official Plan amendment and/or Rezoning application, to cancel or table a Public Meeting

- Fee per Public Notice recirculation: \$250.
 - (b) That the City Solicitor be directed to prepare a By-law to amend By-law No. 93-019, as amended by By-law No. 93-032, to incorporate the above-noted fee, for presentation to City Council.

1993 May 11

5. That the Building Department, Field Services Division be authorized to implement a revised policy with respect to the enforcement of By-law 84-35, in requiring or carrying out the mowing of large, undeveloped fields or properties so that only a buffer strip of approximately 30' be required to be cut adjacent to street frontages or occupied properties. This would not include specifically-established naturalization areas within the City of Hamilton.
6. That the Building Commissioner be authorized to issue demolition permits for:
 - (a) 399 James Street North
 - (b) 56 Limeridge Road East
 - (c) 655 Rymal Road West
 - (d) 1523 Upper Gage
7. That a Designated Property Grant in the amount of three thousand dollars (\$3,000.) be provided to the City of Hamilton for Whitehern, 41 Jackson Street West.
8. That a Designated Property Grant in the amount of three thousand dollars (\$3,000.) be provided to the City of Hamilton for Dundurn Castle, 600 York Boulevard.
9. That approval be given to Zoning Application 92-53, 518374 Ontario Limited, (Angello Papastamos), owner, requesting a further modification to the established "AA" (Agricultural) District regulations, to permit a butcher shop as an additional permitted use within the existing building, on property located at No. 1314 Upper Wentworth Street, as shown on the attached map marked as Appendix "B", on the following basis:
 - (a) That the "AA" (Agricultural) District regulations as contained in Section 7A of Zoning By-law No. 6593, as amended by By-law No. 92-075, applicable to the subject lands, be further amended as follows:
 - i. That Section 1.(a)(i) Commercial Uses, of By-law 92-075 be amended by adding the words "including an accessory butcher shop" after "a retail variety store" so that the Section reads as follows:

1993 May 11

"(i) Commercial Uses:

1. a retail variety store including an accessory butcher shop;
2. a business and professional person's office,

within the building existing on the day of the passing of this by-law;"

- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1158a, and that the subject lands on Zoning District E-18C be notated S-1158a;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18C for presentation to City Council;
- (d) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (e) That the By-law be held in abeyance pending compliance of the order to comply to the satisfaction of the Building Commissioner.

10. That approval be given to amended Zoning Application 91-59, Leo Cascioli, owner, requesting a modification to the established "H" (Community Shopping and Commercial, etc.) District, to permit the development of the subject lands for a four (4) storey, 5 unit multiple dwelling, for the property located at 29 Severn Street, as shown on the attached map marked as Appendix "C", on the following basis:

- (a) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-Law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - i. That notwithstanding Section 14.(1) of Zoning By-law No. 6593, a multiple dwelling consisting of five (5) dwelling units shall be permitted;
 - ii. That Section 14.(3)(ii)(a) of Zoning By-law No. 6593 shall not apply to the northerly lot line;

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- iii. That notwithstanding Section 14.(3)(ii)(a) of Zoning By-law No. 6593, a side yard of a width of at least 1.2 m shall be provided and maintained along the southerly lot line;
 - iv. That notwithstanding Section 14.(3)(iii)(a) of Zoning By-law No. 6593, a rear yard depth of at least 6.2 m shall be provided and maintained;
 - v. That notwithstanding Section 18A (1) of Zoning By-law No. 6593, not less than three (3) parking spaces shall be provided and maintained on the lot;
 - vi. That Section 18A (1)(c) of Zoning By-law No. 6593 shall not apply; and,
 - vii. That a landscaped area of not less than 25% of the lot area shall be provided and maintained at grade;
 - viii. That a front yard not less than 5.0 m in depth shall be provided and maintained for any portion of the building above two (2) storeys in height;
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1310, and that the subject lands on Zoning District Map W-3 be notated S-1310;
 - (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-3 for presentation to City Council; and,
 - (d) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
11. That the request to place a 12' square hardboard sign on the former Bank of Montreal's west (rear) facade from the Hamilton Tiger-Cat Football Club be denied for the reasons that the building is designated under the Ontario Heritage Act and that the Ontario Heritage Foundation holds a heritage easement on the property.

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12. That the requirement for the owner to obtain a building permit prior to release of the demolition permit be lifted and that the Building Commissioner be authorized to issue a demolition permit for 24 Victoria Avenue North.
13. That approval be given to Zoning Application 93-06, Ashok Kumar, owner, requesting a modification to the "M-11" (Prestige Industrial) District regulations to permit a billiard parlour, on lands at 1157 Rymal Road East, as shown on the attached map marked as Appendix "D", on the following basis:
 - (a) That the "M-11" (Prestige Industrial) District regulations, as contained in Section 17C of Zoning By-law No. 6593, be modified to include the following variance as a special requirement:
 - i. Notwithstanding Section 17C(1)(c), a billiard parlour shall be permitted.
 - (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1311, and that the subject lands on Zoning District Map E-59D be notated S-1311;
 - (c) That the City Solicitor be directed to prepared a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-59D for presentation to City Council; and,
 - (d) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
14. That in regard to projects approved under Site Plan Control, that securities be included as a condition of approval of the applications and that staff of the Planning and Development and Roads Departments be directed to establish a procedure for collection and appropriate releasing of funds from such securities and that the "Undertaking" on the plans be appropriately modified to recognize the required securities.

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15. That City Council adopt the following policy related to professional requirements in the preparation of plans submitted for Site Plan Control Processing:
 - (a) That where development includes structures and/or buildings submitted for approval under Site Plan Control, and being consistent with the Ontario Building Code, and the Ontario Architects Act, the plans must be prepared and stamped by an architect or engineer, except for minor projects determined by the Director of Local Planning.
 - (b) That where development includes grading and landscape plans submitted for approval under Site Plan Control, the plans must be prepared and stamped by a qualified professional architect, engineer, or landscape architect, except for minor projects determined by the Director of Local Planning.
16. That the City of Hamilton name its Chief Administrative Officer as its liaison person with GO Transit and that he be asked to report to each meeting of your Committee on the status of GO Transit's activity and the nature of its interaction with the residents of the abutting neighbourhoods.
17. That leave be granted to introduce the following Bills:
 - (a) C-40 By-law to Amend Zoning By-law No. 6593 as Amended by By-law No. 92-197 respecting lands located within the block bounded by Cannon Street East, Elgin Street, Barton Street East and Ferguson Avenue North
 - (b) C-41 By-law to Amend Zoning By-law No. 6593 respecting land located at Municipal No. 667 Rymal Road West
 - (c) C-42 By-law to Amend By-law No. 81-160 respecting signs over sidewalks and highways
 - (d) C-43 By-law to Amend Zoning By-law No. 6593 respecting lands located south of Rexford Drive and East of Ardleigh Street.

RESPECTFULLY SUBMITTED,

**ALDERMAN F. EISENBERGER, VICE-CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE**

Tina Agnello, Secretary
1993 May 5

1993 May 11

Appendix "A" as referred to
in Section 2 of the NINTH
Report of the Planning and
Development Committee for
1993

REASONS FOR DESIGNATION

Barton Stone United Church

21 Stone Church Road West

Context

Built in 1845-7 on the main road from Hamilton to Caledonia, just north of the hamlet of Ryckman's Corners, Barton Stone United Church now stands at the busy intersection of Upper James and Stone Church Road West. Encroaching commercial and residential development as well as increasing traffic have dramatically changed its rural setting in recent years. The green open space of the adjacent cemetery, with its peaceful atmosphere, wide variety of grave markers, and several trees, complements the church building and provides a welcome buffer to the south.

Historical Significance

Barton Stone United Church has the distinction of being the oldest building to have continuously served as a Presbyterian (and later United) Church within the present-day boundaries of the City of Hamilton. It also has direct ties with the first Presbyterian congregation in this area, founded in 1811 by William Rymal, one of the earliest settlers in Barton Township. The two-storey frame meeting house, which he had built adjoining the cemetery plot on the eastern border of his farm (now St. Peter's Cemetery on Mohawk Road West), was shared by two congregations (initially Lutherans and Presbyterians and later Anglicans and Presbyterians) and was thus named Barton Union Church. When this building was condemned as unsafe in 1844 and later demolished, each denomination erected its own stone church at separate locations: Barton Presbyterian (now Barton Stone United) and St. Peter's Anglican, built in 1852-3 near the site of the original church and demolished in 1922.

Served for almost fifty years by itinerant pastors, Barton Presbyterian obtained its first settled minister in 1886, shared with the Locke Street Presbyterian Church. Shared arrangements with other churches continued until 1920, when the minister of Barton Wesley Methodist Church was engaged and the congregation joined with Barton Presbyterian, formally merging in 1922. Three years later the congregation became part of the United Church of Canada (formed in 1925) and was then renamed Barton Stone United Church.

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Architecture

Barton Stone United Church is an architectural landmark on Hamilton's Mountain, where it is the oldest surviving church, and reputedly the only remaining 19th century church building. Moreover, it ranks as one of the oldest stone buildings and possibly the earliest church still standing in the present-day City of Hamilton.

The original church, a modest vernacular building, is noteworthy for its rubblestone construction, pleasing proportions and Gothic Revival detailing. The simple front facade, unusual for its absence of fenestration, features a pointed arched doorway with double panelled wood doors and a solid wood transom. On the south and north walls, seven of the eight original window bays with paired lancet windows set in rectangular frames are still intact. The one at the eastern end of the south wall was recently altered by the removal of the lower half of the window and stone masonry below to install double fire doors (thereby allowing the permanent closure of the original front doorway facing Upper James).

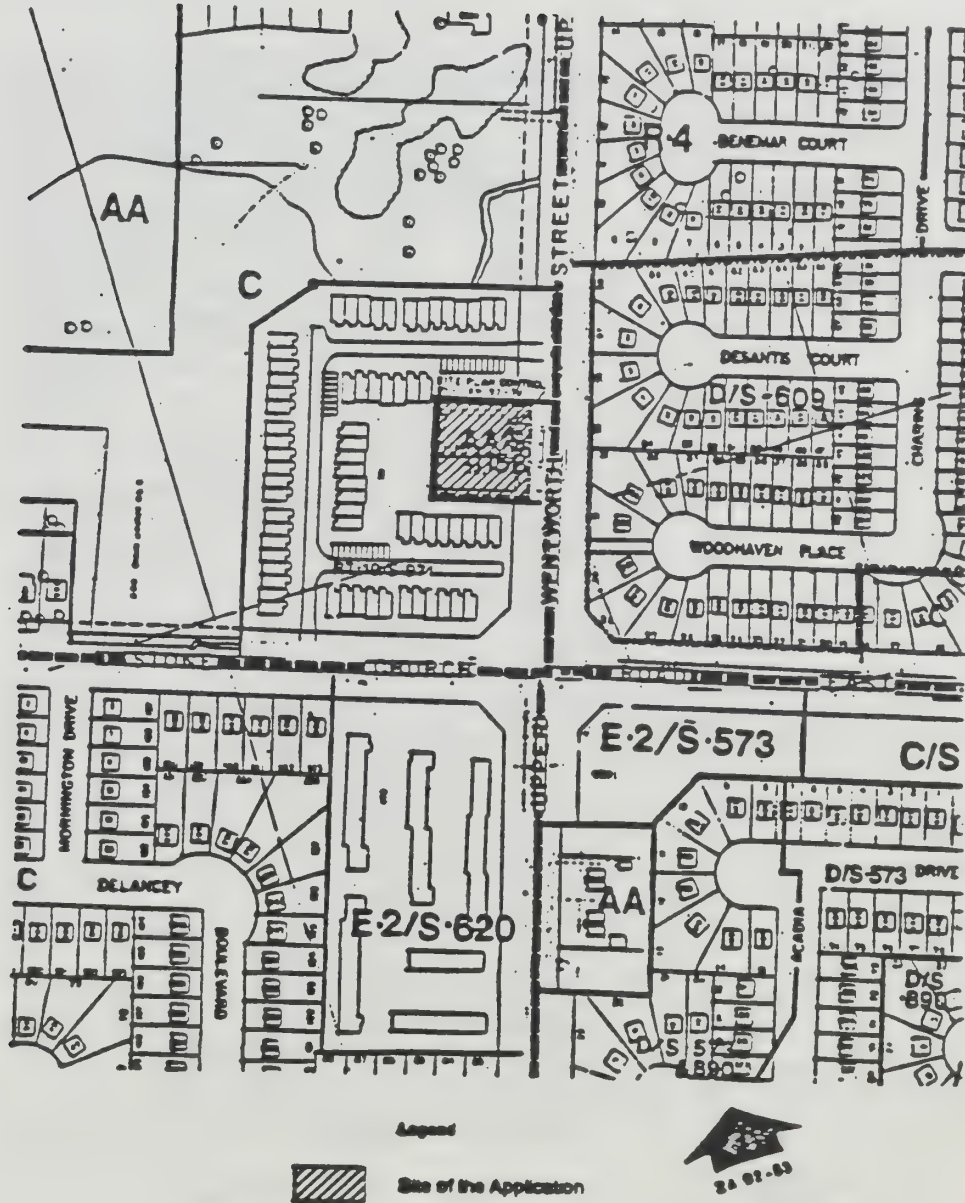
The existing rear stone addition was built in 1972 to house the church offices, choir room, vestry, and a new main entrance facing the parking lot to the west. It replaced two earlier additions: the Sunday School room added to the west end in 1916 and a larger hall built to replace it in 1937. The Sunday School function is now accommodated within the Christian Education Building erected in 1957 on the west side of the church property facing Stone Church Road.

Designated Features

Important to the preservation of Barton Stone United Church are the original exterior features of the east, south and north facades of the 1847 building, including the stone masonry, the original main doorway, and the original windows on the north and south facades (excluding the new fire doors).

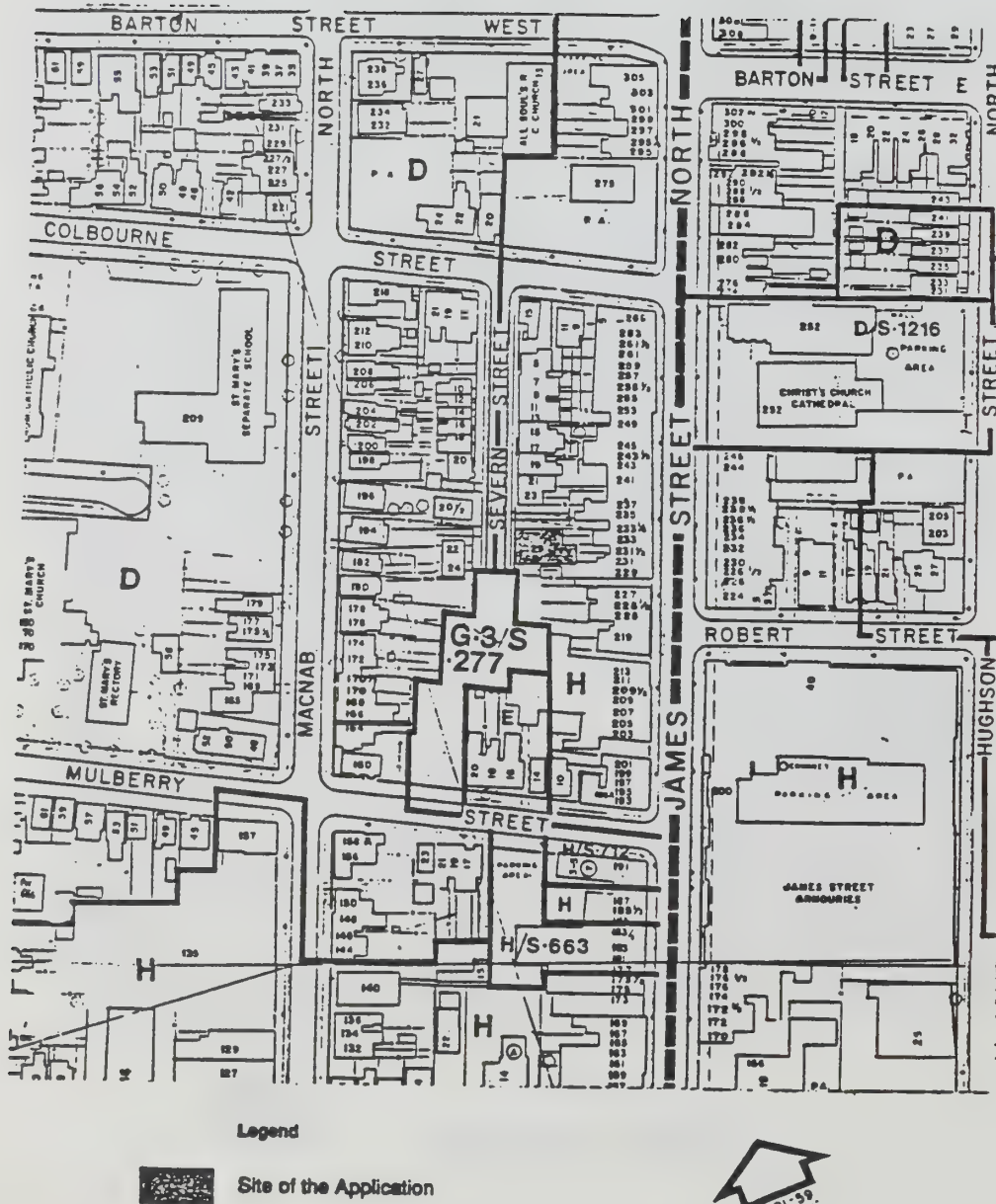
1993 May 11

Appendix "B" as referred to
in Section 9 of the NINTH
Report of the Planning and
Development Committee for
1993



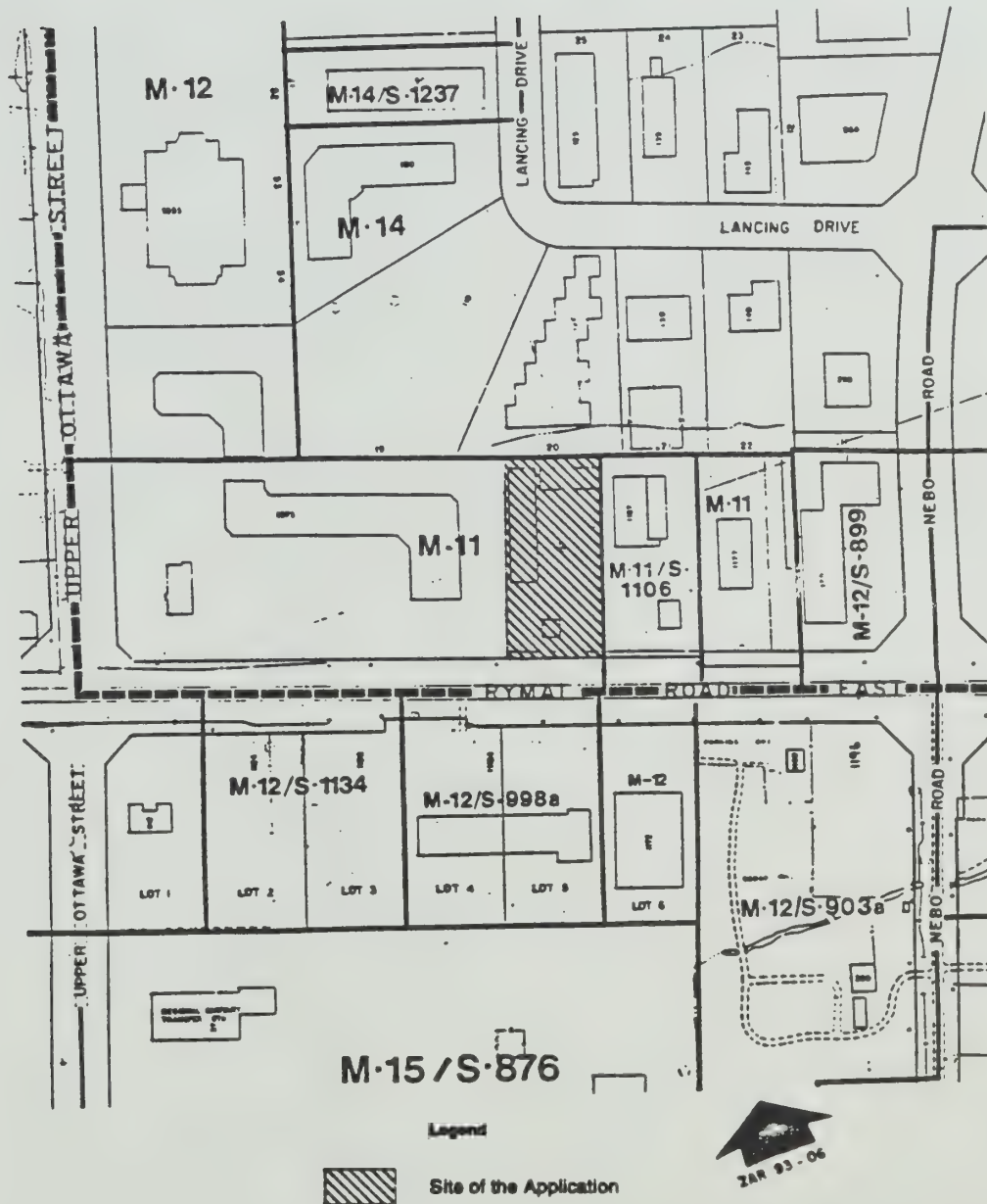
1993 May 11

Appendix "C" as referred to
in Section 10 of the NINTH
Report of the Planning and
Development Committee for
1993



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Appendix "D" as referred to
in Section 13 of the NINTH
Report of the Planning and
Development Committee for
1993



1993 May 11

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **ELEVENTH** Report for 1993 and respectfully recommends:

1. (a) That approval be given to provide an amount of \$500. to be used to assist in defraying expenses to be incurred in staging a post-game reception for the players and coaches of the All Star Football Teams participating in the Third Annual Steel City Senior Bowl to be held at McMaster University on Thursday, 1993 June 24th; and,

(b) That this expenditure be charged to Special Civic Receptions and Delegation Hosting Account No. CH55314-84010.
2. That a Policy on the Acquisition and Display of Plaques, Posters, Memorabilia and Awards in City Hall, attached herewith and marked Appendix "A", be approved.
3. That the Council of the Corporation of the City of Hamilton deem the annual festivals of the St. Mary's Portuguese Parish to be held 1993 May 30 (Holy Spirit); 1993 July 4 (St. Peter); 1993 August 13, 14 and 15 (Our Lady of the Angels) and 1993 August 21 and 22 (St. Cecilia Feast) to be events of municipal significance and has no objection to the issuance of Special Occasion Permits for these festivals, on the condition that the Permits specify a time limit of 11:00 o'clock p.m.
4. (a) That approval be given to the request of the Women's Art Association of Hamilton to use the east and west second floor lobby areas for an exhibit of visual art from 1993 October 1 to 15; and,

(b) That the City Clerk be granted the authority to approve of a similar use in future years provided it does not interfere with any other activity.

1993 May 11

5. (a) That approval be given to the request of the Hamilton-Wentworth Chapter of Child Find Ontario to use the forecourt, or in the event of inclement weather, the first floor foyer, to set up information tables with donation jars to increase public awareness to the many services, programmes and types of assistance offered to the community with regard to children on Tuesday, 1993 May 25 from 4:00 - 8:00 p.m. to commemorate National Missing Children's Day; and,

(b) That the City Clerk be granted the authority to approve of a similar use in future years provided it does not interfere with any other activity.
6. (a) That approval be given to the request of the Ride for Sight Committee to use the City Hall forecourt and related equipment on Saturday, 1993 May 22 at 12:45 p.m. for their annual motorcycle rally to raise funds for eye research in Canada; and,

(b) That the City Clerk be authorized to approve of a similar use in future years, provided it does not interfere with any other activity.
7. That as referred to in Section 19 of the Sixth Report for 1993 of the Transport and Environment Committee, the City's share of "Wisemount Estates - Phase 3" Servicing, at a cost of \$16,688.15, be financed from Centre No. CH 00107 - "Reserve for Services Through Unsubdivided Lands".
8. That as referred to in Section 24 of the Sixth Report for 1993 of the Transport and Environment Committee, the City Solicitor be authorized to prepare an appropriate By-Law for the construction of a finished roadway on Acadia Drive approximately 50m south of Butler Drive to approximately 200m southerly under the Local Improvement Act at an estimated gross cost of \$111,600. with a City's share of \$22,800. to be financed from the Reserve for Capital Projects (Account Centre No. CH 00203) and the balance of \$88,800., being the Owner's share, to be financed by the issuance of debentures for a period not to exceed 20 years. It is further recommended that an application be made to the Regional Municipality of Hamilton-Wentworth to issue debentures in the amount of \$88,800. for a term not to exceed 20 years for the above project.

1993 May 11

9. That as referred to in Section 23 of the Sixth Report for 1993 of the Transport and Environment Committee, the City Solicitor be authorized to prepare an appropriate By-Law to construct concrete sidewalks on the west side of Upper Wellington from Bryna to the north limits of the East-West Freeway under the Local Improvement Act at an estimated gross cost of \$25,300. with a City's share of \$7,144. to be financed from the Reserve for Capital Projects (Account Centre No. CH 00203) and the balance of \$18,156. being the Owner's share, to be financed by the issuance of debentures for a period not to exceed 20 years. It is further recommended that application be made to the Regional Municipality of Hamilton-Wentworth to issue debentures in the amount of \$18,156. for a term not to exceed 20 years for the above project.
10. That a purchase order be issued to J. P. Hammill & Son Limited, Guelph, to supply and deliver Fatigue Uniforms as and when required during 1993 by the Hamilton Fire Department, being the lowest of three tenders received in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, and be finance through Uniforms, Clothing Account No. CH56104 48001, as follows:

Short Sleeve Shirts	\$21.67 each
Trousers	30.97 each
Uniform Jackets	23.97 each

All taxes extra

11. That the following resolution from the City of Burlington respecting Prohibiting the Distribution of Adult Videos in Municipalities, be received:

"THAT the Minister of Municipal Affairs and Minister of Consumer and Commercial Relations be urged to support and initiate an appropriate amendment to the Municipal Act to provide Municipalities with the legislative authority to prohibit the distribution (sale and/or rental) of Adult Sex Films within their Municipalities on the basis of Community Standards;

AND FURTHER that this motion be forwarded to the Association of Municipalities of Ontario, the Federation of Canadian Municipalities and to Ontario Municipalities with a population in excess of 75,000 and members of the Federal and Provincial Parliaments requesting support;

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AND THAT the Honourable Pierre Blais, Federal Justice Minister and Keith Spicer, Chairman of the Canadian Radio and Television Commission having direct involvement in the jurisdiction of Adult Sex Films be urged to initiate more stringent Federal Legislation to regulate the Industry."

12. That the following resolution from the City of Stoney Creek respecting competition in the Cable T.V. Field, be received:

"WHEREAS full cable service charges for the City of Stoney Creek has been increased annually since 1986 December; and,

WHEREAS this increase has resulted in annual cable rates increasing from \$72. (1986 December) to \$207.24 plus taxes (1992 December) to \$251.04 commencing 1993 April 29; and,

WHEREAS the Council of the Corporation of the City of Stoney Creek considers these increases excessive; and,

WHEREAS a licensed cable area results in a monopoly;

NOW THEREFORE be it resolved that the Council of the Corporation of the City of Stoney Creek hereby request the C.R.T.C. to investigate the feasibility of changing the licensing procedure so as to allow competition in the Cable T.V. Field.

13. That the following resolution from the Town of Geraldton respecting Opposition to A.M.O. negotiating on behalf of the Town with the Premier and the Government of Ontario respecting a "Social Contract", be received:

"WHEREAS the Corporation of the Town of Geraldton did not give the Association of Municipalities of Ontario (A.M.O.) the mandate to negotiate on behalf of the Town with the Government of Ontario on financial matters that may impact on the Town of Geraldton;

AND WHEREAS A.M.O. has not requested the approval of the Town of Geraldton to negotiate a "Social Contract" with the Premier and Government of Ontario;

1993 May 11

THEREFORE BE IT RESOLVED that Premier Rae and A.M.O. be informed that the Town of Geraldton does not agree with A.M.O. negotiating a "Social Contract" on its behalf;

AND FURTHER that municipalities in the Province of Ontario be contacted to request their support of the Town of Geraldton's position and that they so inform Premier Rae and A.M.O."

14. (a) That a Capital Grant in the amount of \$20,000. be approved for the Venetian Club to offset the final cost of the Club renovations which are necessary for the 1995 World Bocce Tournament; and,
(b) That funding for this grant be charged to the Capital Grant Account #CF5693-259155007.
15. That the request of McMaster University for a Capital Grant of \$19,000. to purchase equipment with regard to the 1993 World University Games Women's Soccer Championships, be received.
16. (a) That a Capital Grant in the amount of \$109,181. be approved for Hamilton East Community Services for the rehabilitation of Lakeland Pool and Community Centre in accordance with the specifications attached herewith and marked Appendix "B"; and,
(b) That funding for this Capital Grant be derived by making a reduction to the \$500,000. balance in the Capital Contingency Account by the \$109,181. Grant to leave a remaining balance in the Capital Contingency Account of \$390,819.; and,
(c) That the Capital Grant amount of \$109,181. be charged to the Reserve for Capital Projects Account Centre No. CH 00203.

1993 May 11

17. That the City of Hamilton settle Ontario Court (General Division) Action No. 30743/91 on the following terms:
- (a) That the City pay to the Plaintiffs James and Terry Ann McMaster, the sum of \$6,857.86 inclusive of all damages, interest, and costs; and,
 - (b) That the Plaintiffs be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,
 - (c) That Ontario Court (General Division) Action No. 30743/91 be dismissed, as against the Corporation of the City of Hamilton without costs.
18. That leave be granted to introduce the following Bill:
- Bill H-39 A By-law to confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

RESPECTFULLY SUBMITTED,

**ALDERMAN D. ROSS, CHAIRPERSON
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder
Secretary
1993 May 6**

POLICY ON THE ACQUISITION AND DISPLAY OF PLAQUES, POSTERS, MEMORABILIA AND AWARDS IN CITY HALL

March, 1993

Appendix "A" referred
to in Section 2 of the
ELEVENTH Report of the
Finance and Administration
Committee for 1993.

1. Objectives of New Policy

- a) To provide guidelines for the acceptance or rejection of a request by individuals or groups to donate plaques, posters, memorabilia or awards (hereinafter called "memorabilia") to The Corporation of the City of Hamilton for display in the public areas of City Hall.
- b) To provide limited opportunities for citizens to express their pride in the City through displays of "memorabilia" in City Hall.
- c) To maintain the design integrity of the building's creator, S. M. Roscoe, Architect.
- d) To maintain the physical structure and condition of the building's various elements in good order.
- e) To provide a central administration location for business of The Corporation of the City of Hamilton which demonstrates pride, a sense of purpose and welcome.

Note:

The objective of this policy is to deal with awards, memorabilia, posters or plaques proposed for display in City Hall which was specifically excluded in the Art in Public Places policy adopted by City Council on November 10, 1992. The Arts in Public Places policy addresses the placement of public art (fine art pieces only) within public accessible areas of all municipal property.

2. Existing Conditions

Preamble

In the interior public spaces of Hamilton City Hall, designed by S.M. Roscoe, materials used for walls and support structures are limited to wood, marble, metal and glass. Each element is designed to make the most of its own aesthetic qualities and to contribute a further dimension of harmony and beauty to the other materials. The use of decorative inlaid mosaic tiles is a treatment continued throughout the building, on both interior and exterior surfaces. Wood elements are finely finished and matched and bring warmth to the combination of harder surfaces. The decorative finishes of the building's interior are complemented by custom wall murals at the entrance to the elevator banks on the second floor. However, it may be problematic to introduce new wall treatments in the form of two dimensional artworks unless a suitable arrangement for hanging pieces is designed - one which would not place any stress on the walls.

The interior of City Hall contains a variety of objects on display, many of which have been gifted to the City. Visitors and employees will often see tours of school children being conducted through the first and second floor lobbies while a guide explains the significance of wall murals and historic furniture.

Over the past thirty years, a number of elements have gradually been introduced to the two main lobbies. It is now time to examine the general appearance of these important public spaces and to re-evaluate their finest use. These areas on the first and second floors are the ones which give our visitors their first impressions as they advance through the space and up the staircase to the grand Council Chamber.

Rather than disperse a variety of elements randomly through the spaces, one approach is to designate specific areas for specific uses. For instance, the panelled walls leading to the glass doors of the Council Chambers have traditionally been the backdrop for photographs of elected officials. These walls could logically and comfortably continue to provide a setting for the historical pictorial record.

Large name plaques for particular awards series are mounted on other walls on the second floor.

Trophy and glass and wood display cases are situated at various locations. A permanent display of Ukrainian folk art has been sited on the first floor for many years.

The Mundialization Committee frequently makes use of other display areas to showcase pieces of interest from Hamilton's sister cities.

At the same time, civic groups routinely make use of the floor space on the first and second floors for temporary displays.

Over the Christmas season, seasonal displays are created on the second floor with a large tree and mechanical carollers. Permission is also given for the temporary painting of Christmas-related scenes on the glass doors by a local sign painter. With the addition of special lighting elements outdoors, a large variety of seasonal decorations are introduced.

Public Display Areas

The public display areas such as the foyers on the first and second floors, the lobbies and hallways within City Hall are generally thought of as being the publicly accessible spaces of the building. With the exception of the hallways and lobbies on each floor of the building, these public display areas are confined to the first and second floors of City Hall. Attached hereto as Exhibit "A" are floor plans of the first and second floor of City Hall with the publicly accessible areas shown in heavy outline.

Inventory of Works on Display

A current inventory of memorabilia, plaques, posters, memorabilia, awards and art on display in the publicly accessible areas of the first and second floor of City Hall is listed on Exhibit "B" annexed to this report.

Current Method of Processing Requests

The Finance and Administration Committee has traditionally reviewed donation proposals received by the office of the City Clerk. Donations have in the past been accepted on the terms suggested by the donor and on an ad-hoc basis. The City has in its inventory a wide range of visual artworks, ethnic crafts, plaques, awards and memorabilia. The Finance and Administration Committee has noted that an increasing number of "memorabilia" are being offered to the City for permanent/temporary display and has discussed the best approach to receiving the "memorabilia" and suitably displaying it in City Hall.

3. Administration

Recommendations

- a) That the co-ordinating staff function associated with the display of "memorabilia" in City Hall be established within the Property Department.
- b) That the Property Department co-ordinate the placement of "memorabilia" in City Hall with the Department of Culture and Recreation who has the co-ordinating staff function associated with a public art programme and Arts in Public Places Policy and the City Clerk who deals with programming of the space in general.
- c) That a piece of "memorabilia" not be accepted if there is any question as to its legal title, if ownership of the "memorabilia" by the City could be deemed to be objectionable to the Hamilton community, or if it is of such a nature that it cannot be properly cared for by the City.
- d) That the cost of any replacement "memorabilia" as a result of vandalism or theft, shall be the responsibility of the person or organization making the original donation.

Background

The Corporation of the City of Hamilton shall be responsible for establishing and amending all policies relative to the acceptance or rejection of "memorabilia" proposed for display in City Hall. Having regards to the functions, purposes and objects of the City, the City reserves and maintains the rights to refuse to accept any "memorabilia" considered by it to be inappropriate and/or unsuitable to or for the City Hall environment and/or the public served by the City.

Accept criteria include:

- (i) relevance
i.e. City appointed subcommittees, significant historical events,
significant contributions to the City of Hamilton
- (ii) adequate storage/display space
- (iii) duplication
- (iv) condition of "memorabilia"
- (v) acceptable to community standards

4. Donations of "Memorabilia"

Recommendations

- a) That individuals or groups intending to make a donation of "memorabilia" to the City of Hamilton for display in City Hall shall communicate that desire in writing to the City, through the Director of Property, providing:
 - (i) reasons for the request to display the "memorabilia" in City Hall and identifying the impact and importance of significant contributions made to the overall growth and development of the City of Hamilton by the individual or group making a donation;
 - (ii) a full description of the "memorabilia" which is being proposed for donation and display in City Hall including any wording contained on the item of donation;
 - (iii) a photograph of the item or the item itself to be donated, if available at the time of submission;
 - (iv) any donor conditions or restrictions;
 - (v) any specific maintenance or display requirements.
- b) That the Director of Property be requested to review all requests using the following criteria:
 - (i) the professional quality of the "memorabilia";
 - (ii) the absence of any donor conditions or restrictions;
 - (iii) the suitability of materials and affects on the aesthetics of City Hall;
 - (iv) maintenance requirements;
 - (v) availability of a suitable site for display/installation;
 - (vi) any wording contained on a piece of memorabilia;
 - (vii) the appropriateness for display in the City Hall environment;
 - (viii) the history/importance of the donating group or individual.

- c) That the Director of Property then forward a recommendation to the Finance and Administration Committee and Council.

5. Siting/Installation of "Memorabilia"

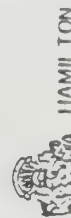
Recommendations

- a) That any instance of siting/installation of "memorabilia" be confined to the public areas on the first and second floors of City Hall as shown on Exhibit "A" with the exception of the panelled walls leading to the glass doors of the Council Chamber, which shall be reserved solely to provide a setting for the historical pictorial record of the City of Hamilton and its elected officials.
- b) That the siting of "memorabilia", the right to relocate or remove a piece, and the duration of placement shall be at the sole discretion of the City.
- c) That an annual review of the inventory on display be undertaken by an Ad-Hoc Committee of the Finance and Administration Committee, the Director of Property and the Director of Culture & Recreation or their designate(s).

Background

City Hall cannot accommodate on a permanent basis, every piece of art, awards, memorabilia or poster offered to it for display. There is simply insufficient, appropriate wall or floor space within the building; furthermore, the main purpose behind the building and its significance must be maintained.

"Memorabilia" cannot be sited/installed with any guarantee of permanent placement. The City shall always have the right at its sole discretion to relocate or remove a piece of "memorabilia". In the event a piece of "memorabilia" is to be removed, a reasonable attempt will be made to notify the donor and offer its return. If its return is denied, the City shall either place the item in its archives for future reference or display, site the "memorabilia" in another City building or dispose of same. Reasons for de-accessioning or disposal of "memorabilia" may include condition, relevance or status, duplication, lack of storage and display space.



FIRST LEVEL FLOOR PLAN





SECOND LEVEL FLOOR PLAN



INVENTORY OF WORKS ON DISPLAY IN PUBLICLY ACCESSIBLE SPACE OF CITY HALL
March, 1993

First Floor

East Entry - Commemorative plaque: construction of old city hall
East Entry - Commemorative plaque: In Memory of those who served in Old Wars
trophy cases (outside Property Dept. doors)
Brd. of Ed. Co-op Education plaques and mural
Children's Museum - baffle
Hamilton Wentworth Composting Facility model (under stairwell)
Display case (between Community Development & Treasury) - Museum Display
Ukrainian Display Case
dolls, pottery, coloured Easter eggs
plaque: Ukrainian Heritage - Wintario project

William Sherring plaque (outside Treasury)
Chairman's desk and chairs (outside Treasury)

Second Floor

(outside Council Chambers)

"Great Canadian Participation Challenge" - May 28/85 - 12"x 9"
"Special Citation for Pedestrian Program Activities" - 1962 - 9"x 12"
"Special Citation for Pedestrian Program Activities" - 1963 - 9"x 12"
Display case: Names and photographs of former mayors
"Pedestrian Program Appraisal" - 1959 - 9" x 12"

(pillar facing Council Chambers)

"Declaration of Mundialization & Twinning"
(Hamilton & Fukuyama) - Oct. 4, 1976 - 24" x 19"

(opposite side of pillar facing stairwell)

"Commerce Prudence Industry" (c/w 3 seals) - 24" x 24"

(outside Clerk's Office)

Hamilton Status of Women Sub-Committee
"Woman of the Year" - 1975-1991 - 12" x 24"

Ukrainian Canadian Committee

(commemorating 50th Anniversary of the famine-genocide in Ukraine
1932-33) - 12" x 24"

Plaque in memory of 1,000,000 Baltic Citizens deported to slave camps
during the Soviet Occupation following the Stalin-Hitler Pact 1939 -
24" x 12"

Hamilton Arts Council Plaque

(opposite wall outside Clerk's Office)

Flag in glass case
plaque - Squadron Standard - 424 Squadron - Sept. 15/85 - 12" x 24"

1993 May 11

(inside Clerk's Office - wall opposite Mayor's office)

Display case - width: 3' height: 6'

Japanese doll, and clock from Fukuyama - Sept. 22/81

2 Table Display Cases - width: 3' height: 3.5'

containing plaques, medals, china, sterling silver ashtrays
photographs, "Strathcona" book

Display Case - width: 6' height: 6'

containing plaque (Declaration of Twinning), photographs, dolls,
flags, china

ALL SIZES NOTED ARE APPROXIMATE.

Appendix "B" referred
to in Section 16 of the
ELEVENTH Report of the
Finance and Administration
Committee for 1993.

**SPECIFICATIONS:
CONSTRUCTION, LABOUR AND MATERIALS
REQUIRED IN THE REHABILITATION
OF**

**LAKELAND POOL AND COMMUNITY CENTRE
300 VANWAGNER'S BEACH ROAD.
HAMILTON, ONTARIO**

FOR

**HAMILTON EAST KIWANIS
AND
BEACH STRIP/WOODWARD COMMUNITY COUNCIL
681 MAIN ST. EAST
HAMILTON, ONTARIO
L8M 1K3**

March 10, 1993

INTRODUCTION

The proposed Lakeland Pool Community Centre is comprised of over 8500 sq.ft. of floor space. At the present time, we feel that the centre is not being utilized to its full potential. Our intent is to create more floor space to maximize the effectiveness of existing and future programmes.

GENERAL INFORMATION

Presently the Lakeland Pool & Community Centre has accommodations for a kitchen, restaurant and entertainment area. These areas will remain, along with the additions of a games room, 3 programme areas, larger storage area, and a much needed and improved first aid station.

PROCESS

The following cost analysis was broken down into three Phases, which in turn can be performed in parallel with proper labour and supervision.

Phase One - Outside Activity Area

TOT PLAY AREA

A new play structure will be added to allow children from the ages of 4 to 12 to play, while the much older children will have their own senior play area.

BASKETBALL COURT

The installation of a new 100' x 30' asphalt court complete with 4 or 6 basketball areas. Court to be constructed from 6" of granular "A" with 1" HL-3, and 2" HL-8.

VOLLEYBALL AREA

A 25' x 50' grassed court complete with permanent posts and painted lines.

SHUFFLEBOARD COURT

A near regulation sized concrete court (6' x 50') complete with lines.

REST AREA

The rest area will be located near to the activity area. Size and location is yet to be determined. This will then allow parents to watch over their children utilizing the different play areas.

Job Costing Schedule - Phase One

Tot Play Area	\$ 5,500.00
Basketball Court	7,600.00
Volleyball Court	500.00
Shuffleboard	7,000.00
Rest Area	<u>4,500.00</u>
TOTAL	<u>\$25,100.00</u>

Phase Two - Exterior Building Upgrading

GREEN AREA

This green space will give the Lakeland Community Centre a more inviting and presentable street appearance by incorporating flower beds, trees and a major cleanup of all overgrown foliage in the area.

LIGHTING

Currently we feel that the lighting surrounding the grounds is inadequate for it's proposed use. With the upgrading of existing fixtures, installing new fixtures, and lighting up all play areas the centre can now be used to a greater extent. This also means the possibility of installing a ice rink now that sufficient lighting is available.

POOL

As a yearly maintenance expense the pool must be painted to stop the formation of any type of bacteria.

POOL DECK

Due to the severe lifting and cracking of the pool deck our only viable option would be to cover the concrete deck with a durable indoor outdoor artificial type carpet. This will enhance the pools appearance, while at the same time giving a greater lounging area.

SIDING

Due to the deterioration of the fascia on the building we decided that a vinyl siding on the top 4' of the building fascia will give an attractive finish to the building.

PAINTING

Currently the building is painted and textured in numerous colours. We purpose a repair of the exterior walls as required and a prime and paint finish to coordinate with Hamilton Conservation area blue.

Job Costing Schedule - Phase Two

Green Area	\$ 6,000.00
Lighting	5,000.00
Pool	6,000.00
Pool Deck	8,000.00
Siding	5,000.00
Painting	<u>700.00</u>
TOTAL	<u>\$30,700.00</u>

Phase Three - Interior Upgrading

ELECTRICAL

Utilizing existing panels, wiring and outlets, throughout the building and depending upon application, We deem it necessary to relocate and upgrade depending upon application. The installation of new light fixtures, fire safety equipment and exit signs will bring an attractive appearance to the building while meeting today's current safety standards.

PLUMBING

Since the plumbing system seems to be in fairly good working order, allocations have been made for the upgrading of fixtures, toilets and sinks.

HEATING

Utilizing a section of the existing heating system while implementing a new infrared heating unit, the centre will now be able to run year round.

AIR CONDITIONING

An air conditioning unit will be installed to cool 5000 of the 8500 sq.ft.

CEILING TILES

Due to the inconsistency and colour of the existing ceiling tiles, removal and replacement of all areas is allocated with a new asbestos free tile.

PAINTING

The existing interior colour scheme(white with black trim) will be replaced with white and green trim.

FLOORING

Due to the tremendous expense of removing and replacing the existing flooring we feel that a good carpet cleaning and a resealing/re-waxing of all tile flooring should bring the floors back to a presentable finish.

MISCELLANEOUS

The following items are also scheduled to be replaced:

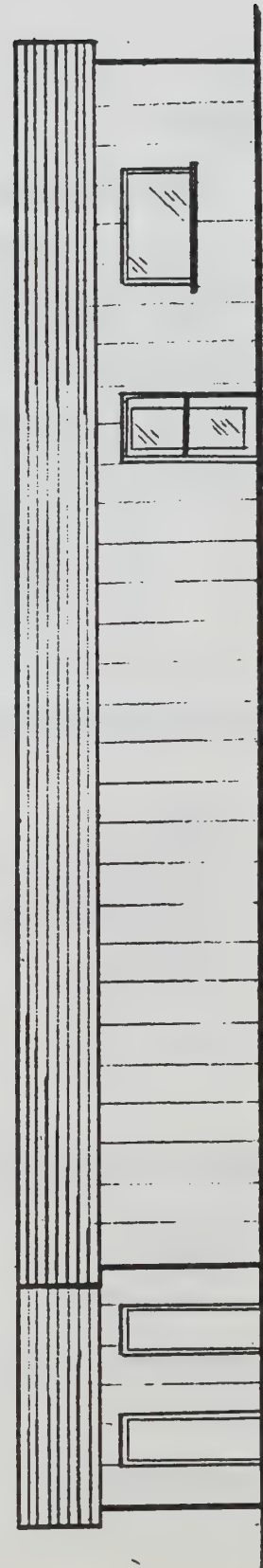
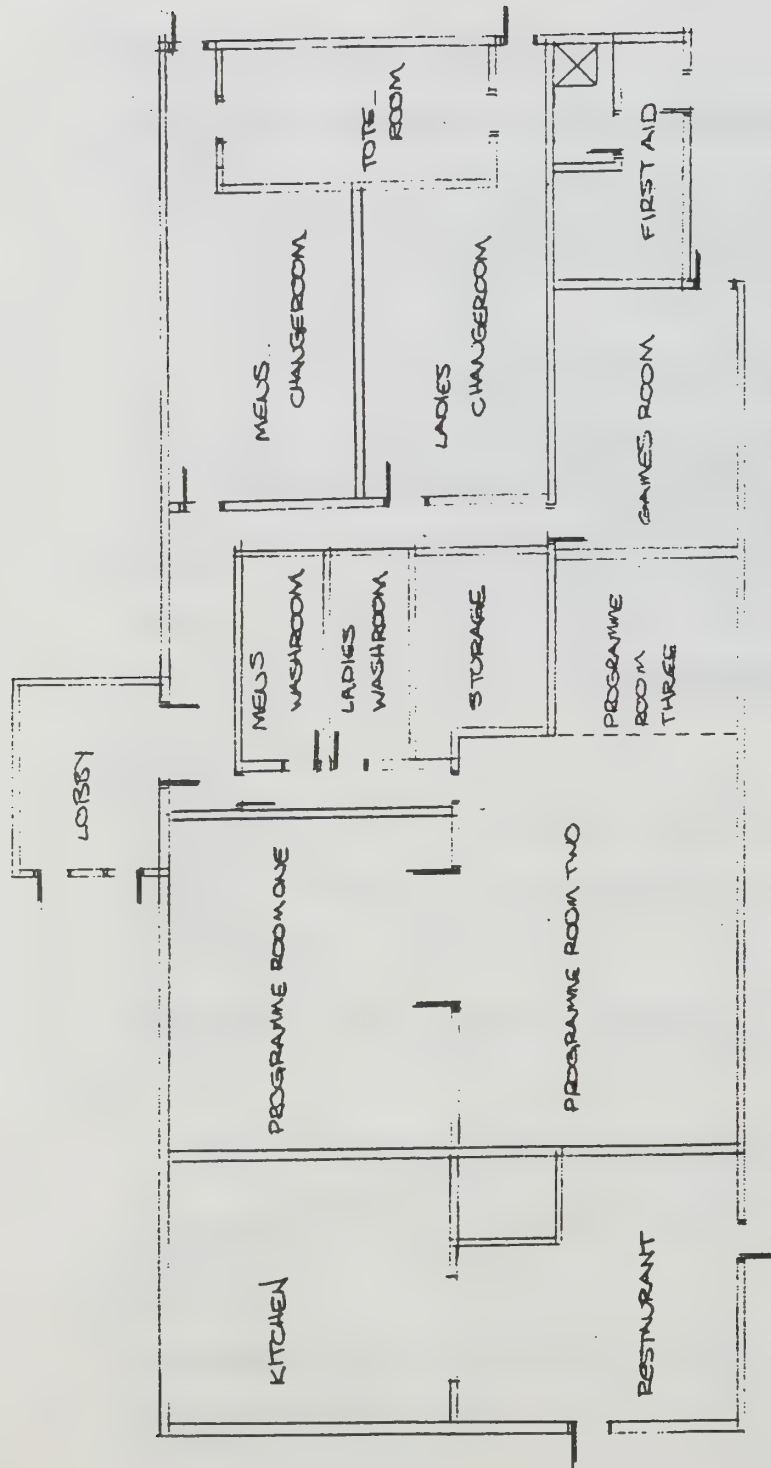
- 1) install sufficient lighting and venting in public washrooms;
- 2) all public washroom doors and hardware to be replaced;
- 3) provide mirrors in washrooms;
- 4) install new exterior doors and hardware where necessary; and,
- 5) replace exterior windows as necessary.

Job Costing Schedule - Phase Three

Electrical	\$ 3,500.00
Plumbing	7,000.00
Heating	15,000.00
Air conditioning	10,000.00
Ceiling Tiles	5,000.00
Flooring	3,000.00
Miscellaneous	<u>3,000.00</u>
TOTAL	<u>\$46,500.00</u>

CONTRACT AMOUNT

Phase One	\$ 25,100.00
Phase Two	30,700.00
Phase Three	<u>46,500.00</u>
SUB TOTAL	\$102,300.00
G.S.T.	<u>6,881.00</u>
GRAND TOTAL	<u>\$109,181.00</u>



FRONT ELEVATION

**LAKELAND POOL
REHABILITATION BUDGET**

Submitted by Hamilton East Kiwanis
March 24, 1993

Estimated Capital Repair Costs	\$127,000
less Hamilton East Kiwanis contribution	<u>8,900</u>
	118,100
less Woodward/Beach Strip Community contribution	<u>8,919</u>
Capital Contribution requested	<u>\$109,181</u>

Kiwanis contribution includes:

- contract administration
- site supervision
- clerical support
- finance administration

Woodward/Beach Strip Community contribution includes:

- labour
 - painting
 - cleaning
 - garbage removal
 - final clean up
 - carpet cleaning
 - floor waxing
 - general labour
 - minor electrical
 - minor plumbing
 - landscape labour
- on-going fund raising (additional \$20,000 to complete programming)

BILLS

CITY COUNCIL

1993 MAY 11

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 93-

TO INCORPORATE BLOCK 29, PLAN 62M-644
INTO ACADIA DRIVE

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297 of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Acadia Drive by incorporating within its limits the lands described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of Acadia Drive.

Part of Parcel Reserves -1, Section 62M-644.

Being all of Block 29, Plan 62M-644.

Being Part of the Parcel.

City of Hamilton

Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation/Environmental Services or his duly authorized agent is hereby authorized to open as public highway the said lands.

PASSED this day of A.D. 1993.

City Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 93-

TO INCORPORATE PART 2, PLAN 62R-12045
INTO ELITE DRIVE

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297 of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Elite Drive by incorporating within its limits the lands described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of Elite Drive.

Part of Lot 10, Concession 8 (former geographic Township of Barton), designated as Part 2, on Plan 62R-12045.

City of Hamilton

Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation/Environmental Services or his duly authorized agent is hereby authorized to open as public highway the said lands.

PASSED this day of A.D. 1993.

City Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 93-

TO INCORPORATE PARTS 9 AND 12, PLAN 62R-11096
INTO ACADIA DRIVE

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297 of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Acadia Drive by incorporating within its limits the lands described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of Acadia Drive.

Part of Lots 6 and 7, Registered Plan 990, designated as Parts 9 and 12, on Plan 62R-11096 (respectively).

City of Hamilton

Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation/Environmental Services or his duly authorized agent is hereby authorized to open as public highway the said lands.

PASSED this day of A.D. 1993.

City Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 93-

TO AMEND BY-LAW NO. 92-152
INTO FIELDWAY DRIVE

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297 of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton did enact By-Law No. 92-152 to alter a portion of the highway known as Fieldway Drive by incorporating within its limits the lands described below;

AND WHEREAS it is necessary to amend the reference plan number;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. That By-Law No. 92-152 is hereby amended by substituting all references to Plan 62R-11929 to Plan 62R-11979.

2. The Commissioner of Transportation/Environmental Services or his duly authorized agent is hereby authorized to request the By-Law or title to the following land.

Parts of Lot 11, Concession 6 (former geographic Township of Barton) designated Parts 2, 3, 6, 9, 10, 12, 14, 17 and 20, Plan 62R-11054 and Parts 3 and 5, Plan 62R-11979.

City of Hamilton

Regional Municipality of Hamilton-Wentworth

3. By-Law No. 92-152 enacted on June 30, 1992, and registered as Instrument 125495 (new) (as amended by the By-Law) is hereby confirmed.

PASSED this

day of

A.D. 1993

City Clerk

Mayor

BY-LAW NO. 93 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 34 (Sticker Permit Parking)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following items, namely:-

"Locke	East	commencing at a point 80 feet north of Napier to a point 117 feet northerly therefrom	Anytime
East 18th	West	Concession to Mountville	Anytime
London	West	commencing at a point 68 feet south of Montclair to a point 19 feet southerly therefrom	Anytime
London	East	commencing at a point 77 feet south of Montclair to a point 18 feet southerly therefrom	Anytime
Weir	East	commencing at a point 186 feet south of Britannia to a point 22 feet southerly therefrom	Anytime".

and by deleting therefrom the following items, namely:-

"Locke	East	commencing at a point 80 feet north of Napier to a point 102 feet northerly therefrom	Anytime
Herkimer	South	commencing at a point 643 feet west of Locke to a point 23 feet westerly therefrom	Anytime".

2. **Schedule 26 (No Parking Areas)** is hereby amended to **Section A (No Parking Anytime)** by adding the following items, namely:-

"Kinnell	South	Inchbury to westerly end
London	West	commencing at a point 11 feet north of the north curb line of Central to a point 86 feet southerly therefrom
London	East	King to Central
Harmony	East	Harrison to Vansitmart
Purnell	North and West	Clifton Downs (west leg) to Bentley
Purnell	South	from 530 feet east of Clifton Downs (west leg) to Clifton Downs (north leg)
Edgewood	North	High to 55 feet west".

and by deleting therefrom the following items, namely:-

"Purnell	East	Clifton Downs to 712 ft. southerly
Harmony	Both	Harrison to Vansitmart

3. **Schedule 26A (No Parking Areas)** is hereby amended by adding to **Section A (No Parking 7:00 a.m. - 6:00 p.m.)** the following item, namely:-

"Ewen	West	commencing at a point 276 feet south of Ofield to a point 67 feet southerly therefrom".
-------	------	--

4. **Schedule 24 (Parking Meter Locations)** is hereby amended by deleting from **Section 3(a) (One Hour Limit)** the following item, namely:-

"Huxley	East	Main to 95 ft. north".
---------	------	------------------------

and by adding to **Section 2(a) (Two Hour Limit)** the following item, namely:-

"Huxley	East	Main to 95 feet north".
---------	------	-------------------------

5. **Schedule 25A (Parking Time Limits)** is hereby amended:

a) by adding to **Section 14 (One Hour Limit, 8:00 a.m. to 4:00 p.m., Mon-Fri)** the following item, namely:-

"Acadia	Both	Butler (west leg) to Beaverton".
---------	------	----------------------------------

b) by adding to **Section 26 (One Hour Limit, 8:00 a.m. to 5:00 p.m., Mon-Fri)** the following item, namely:-

"Emming	West	Delmar to east end".
---------	------	----------------------

6. **Schedule 25B (Parking Time Limits)** is hereby amended by adding to **Section 4 (One Hour Limit)** the following item, namely:-

"Kinnell	North	Inchbury to west end".
----------	-------	------------------------

7. **Schedule 27 (Alternate Side Parking)** is hereby amended by adding thereto the following items, namely:-

"London	East
Central to Main	

London	West".
from 11 feet north of the	
north curb line of Central to Main	

8. **Schedule 23 (Hamilton Street Railway Bus Stops)** is hereby amended by adding to the Outbound Column the following item, namely:-

"Glow at Dunn".

PASSED this

day of

A.D. 1993.

CITY CLERK

MAYOR

BY-LAW NO. 93 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 10 (Stops at Intersections)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following item, namely:-

"Hess Northbound Duke"

2. **Schedule 35 (Wheelchair Loading Zones)** is hereby amended by adding thereto the following item, namely:-

"Cheever West 20 feet 245 feet south of Birge Anytime".

PASSED this day of A.D. 1993.

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 93-

To Amend:

Zoning By-law No. 6593
As Amended by By-law No. 92-197

Respecting:

**LANDS LOCATED WITHIN THE BLOCK BOUNDED BY CANNON STREET EAST,
ELGIN STREET, BARTON STREET EAST AND FERGUSON AVENUE NORTH**

WHEREAS it is intended to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 92-197 on the 28th day of July 1992 to change the zoning and establish special requirements under Section 19B of Zoning By-law No. 6593, for the "E" District, in respect of the lands located within the block bounded by Cannon Street East, Elgin Street, Barton Street East and Ferguson Avenue North, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A";

AND WHEREAS the Ontario Municipal Board by its Memorandum of Oral Decision and Order (File No. R 920474), dated the 26th day of February 1993, directed that By-law No. 92-197 be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Section 2 of By-law No. 92-197, passed on the 28th day of July 1992, is amended by deleting clause (b) and substituting the following therefor:

"(b) notwithstanding Section 11(5) of By-law No. 6593, an average maximum gross floor area of 1.7 times the total area of Blocks "1" and "2" shall be permitted to a maximum of 239 dwelling units in accordance with the attached Schedule "B", provided that a maximum gross floor area of 17,224 square metres shall be permitted on Blocks "1" and "2";"

2. Schedule "B" to By-law No. 92-197 is hereby revoked and Schedule "A" annexed hereto and forming part of this by-law is substituted therefor.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "E" District provisions, subject to the special requirements referred to in section 1 of this by-law and section 2 of By-law No. 92-197.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1279a.

5. Sheet No. E-3 of the District Maps is amended by marking the lands referred to in section 1 of By-law No. 92-197, S-1279a.

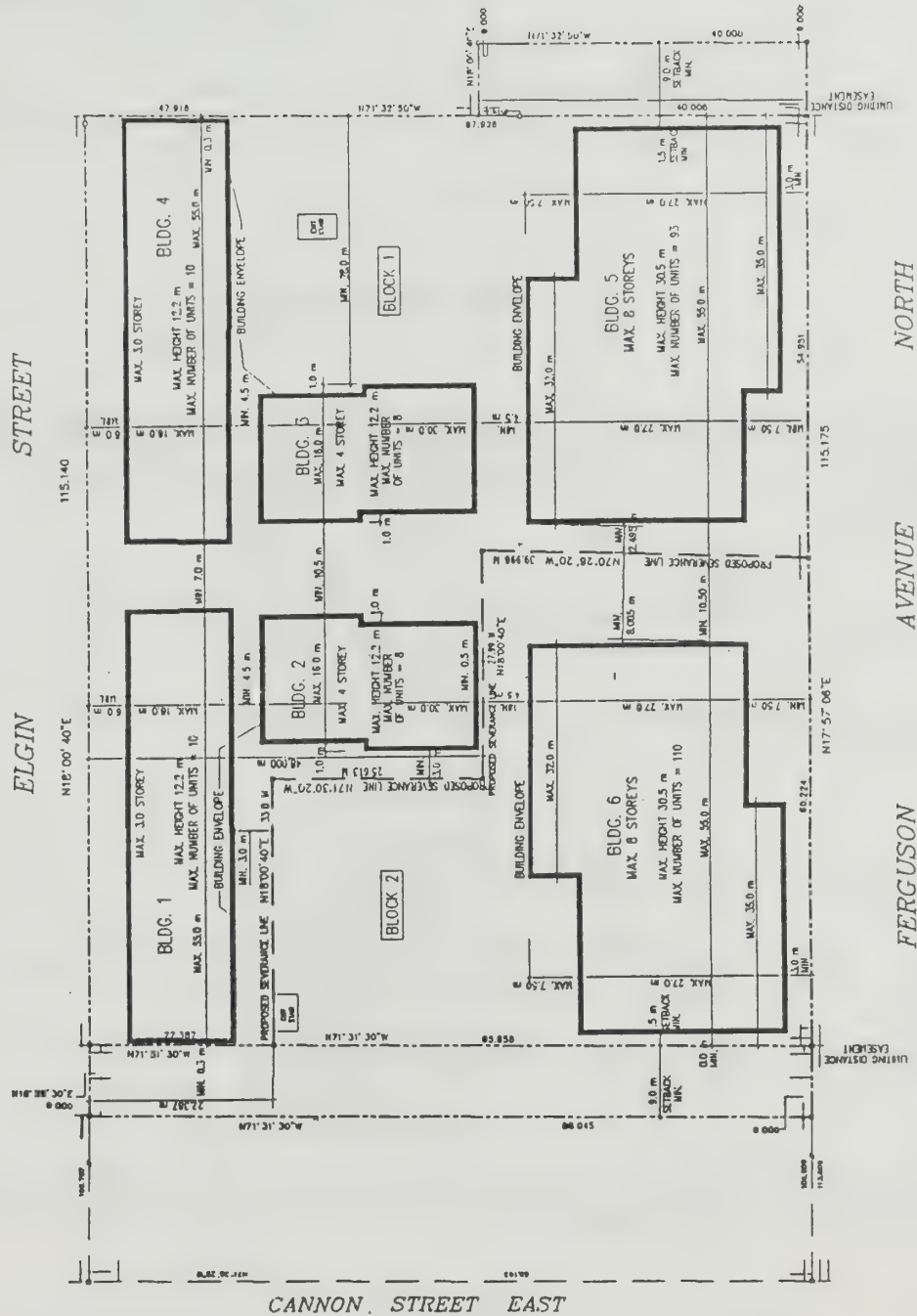
6. In all other respects, By-law No. 92-197 is hereby confirmed, unchanged.

PASSED this day of A.D. 1993.

CITY CLERK

MAYOR

(1992) 6 R.P.D.C. 15, March 31
Ontario Municipal Board Memorandum
of Oral Decision and Order dated
February 26, 1993
Maurice C. Carter Holdings Limited, Owner
ZA-91-61



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 93-____
Passed the ____ day of _____, 1993.

Clerk

Mayor

City of Hamilton Schedule B

Map Forming Part of
By-Law No. 92-197
to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



BUILDING ENVELOPES

North



Scale
NOT TO SCALE

Date
MARCH, 1993

Reference File No.
ZA-91-61

Drawn By
T.A.

The Corporation of the City of Hamilton

BY-LAW NO. 93-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 667 RYMAL ROAD WEST

WHEREAS it is intended to change the zoning of the land hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. W-37E of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

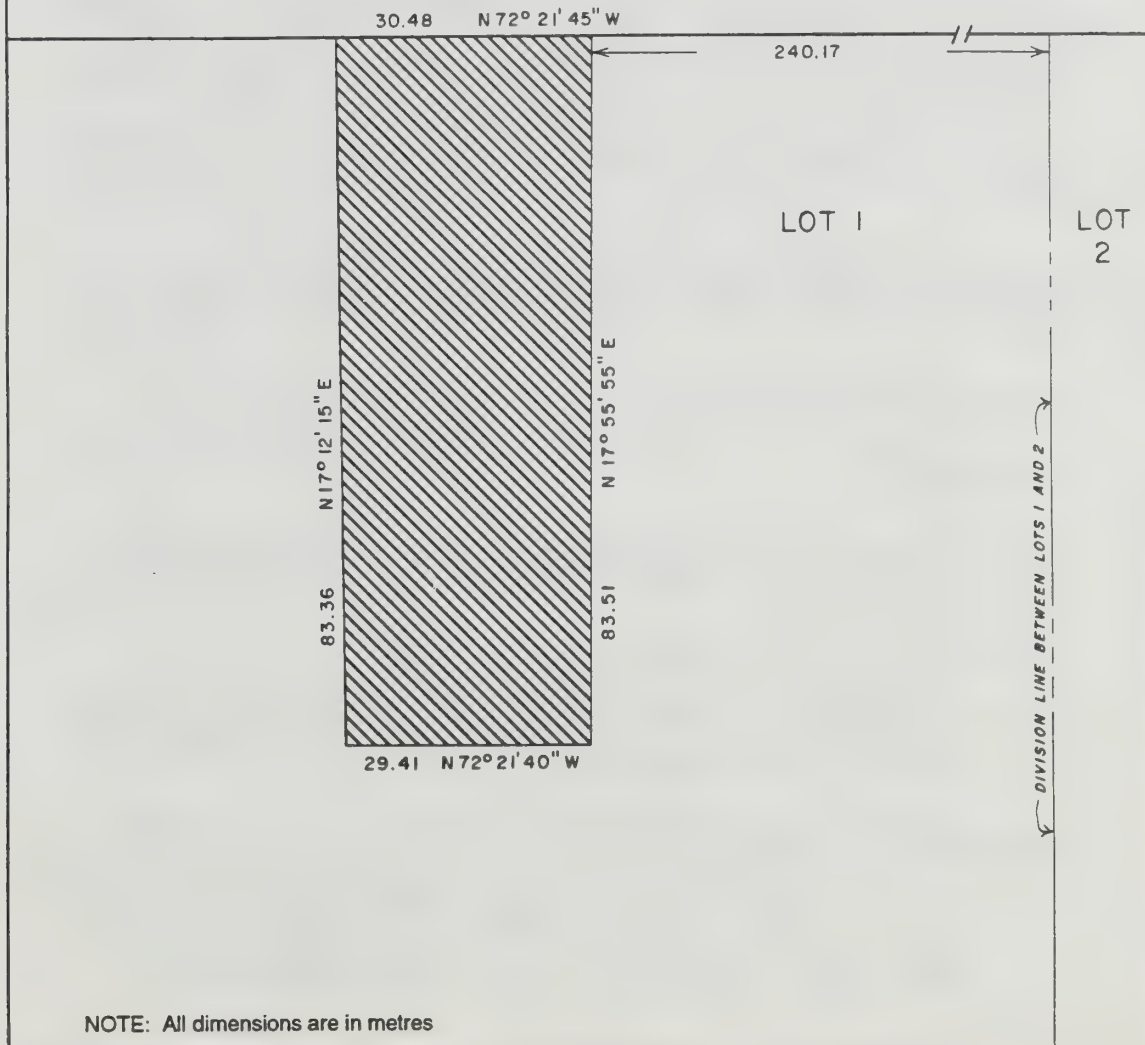
2. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1993.

CITY CLERK

MAYOR

RYMAL ROAD WEST



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 93-.....
Passed the day of, 1993.

.....
Clerk

.....
Mayor

City of Hamilton Schedule A

Map Forming Part of
By-Law No. 93-.....

to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Change in zoning from:



"B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District.

North



Scale
NOT TO SCALE

Date
APRIL 1993

Reference File No.
ZAR 93-05

Drawn By
Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 93-

To Amend:

By-law No. 81-160

Respecting

SIGNS OVER SIDEWALKS AND HIGHWAYS

WHEREAS Section 308 of the Municipal Act, R.S.O. 1990, Chapter M.45 authorizes a Council to enact by-laws to permit persons, under conditions that may be agreed upon, to place, install, construct, maintain and use objects in, on, under or over sidewalks and highways;

AND WHEREAS By-law 81-160 was enacted by Council on May 11, 1981 to regulate the placement of signs over sidewalks and highways;

AND WHEREAS the Council of The Corporation of the City of Hamilton on ?????????????, 1993, in adopting Item ?????? of the ?????? Report of the Planning and Development Committee, authorized this By-law.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. Section 8 of By-law 81-160 is repealed and the following is substituted in lieu:

"8. (1) No person shall place, construct, install, maintain or use any display sign or sign structure over any sidewalk and highway without a permit issued under this by-law.

(2) Notwithstanding subsection (1) of Section 6, no person shall place, construct, install, maintain or use any display sign or sign structure over any sidewalk and highway until Form 1 has been signed by the applicant and lodged with the chief building official."

2. Section 9 of By-law 81-160 is repealed and the following is substituted in lieu;

"9. Every person who contravenes subsections (1) or (2) of Section 8, is guilty of an offence and upon conviction is liable to a fine specified by the Provincial Offences Act, R.S.O. 1990, Chapter P.33."

PASSED this day of , 1993.

City Clerk

Mayor

The Corporation of the City of Hamilton

BY-LAW NO. 93-

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED SOUTH OF REXFORD DRIVE AND EAST OF ARDLEIGH STREET

WHEREAS it is intended to change the zoning of the lands hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-38C of the District Maps, appended to and forming part of By-law No. 6593, is amended,

(a) by changing from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

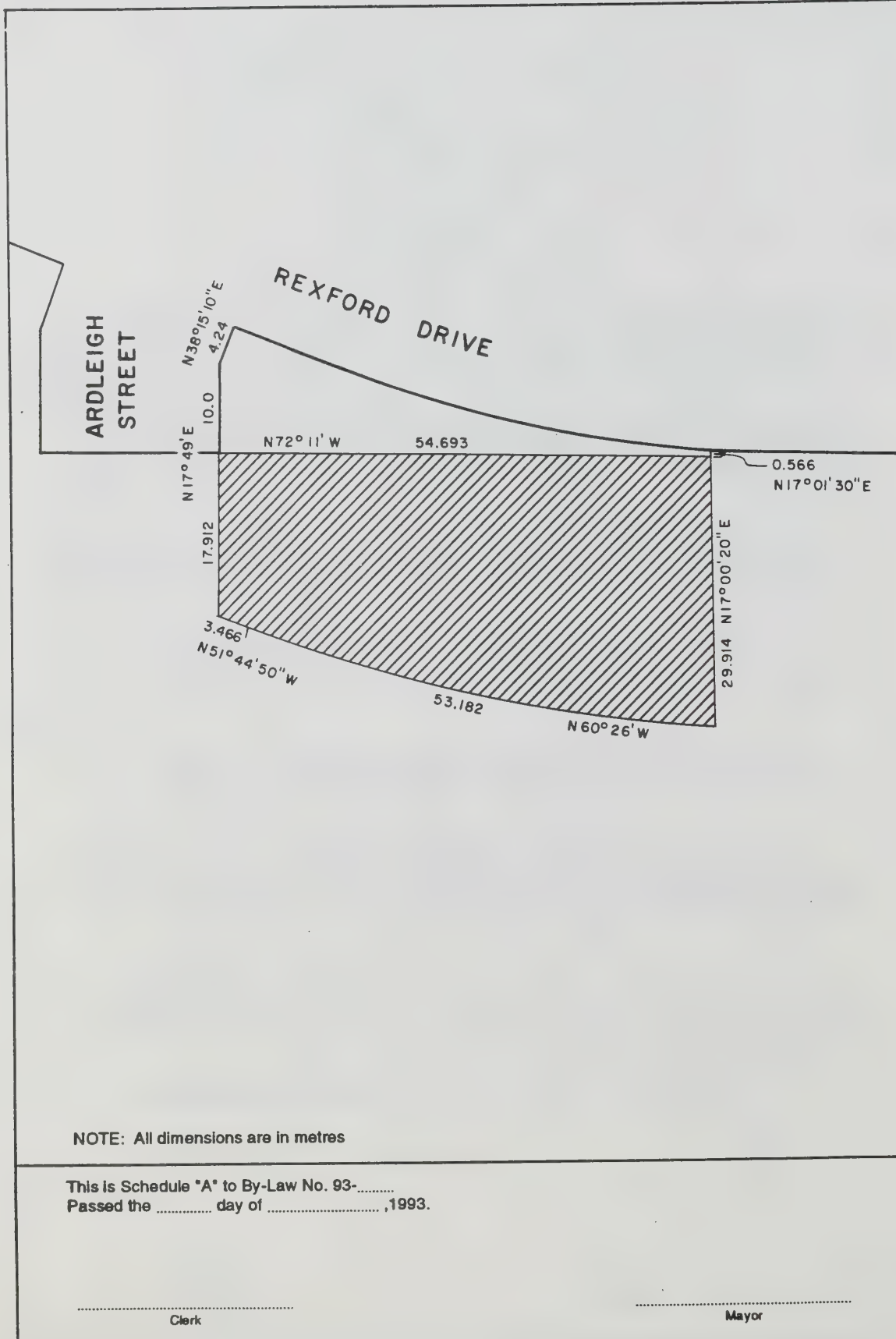
PASSED this

day of

A.D. 1993.

CITY CLERK

MAYOR



City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 93-.....

to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Change in zoning from:



"AA" (Agricultural) District to
"C" (Urban Protected Residential,
etc.) District.

North



Scale
NOT TO SCALE

Date
APRIL 1993

Reference File No.
ZAC 93-04

Drawn By
Z.K.

BY-LAW NO. 93 -

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 11TH DAY OF MAY A.D., 1993.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 11th day of May A.D. 1993

CITY CLERK

MAYOR

4. *Minutes*

1993 May 11

5. *Petitions and Correspondence*

6. *Reports of the Standing Committees*

(b) *Parks and Recreation Committee*

(c) *Planning and Development Committee*

(h) *Finance and Administration Committee*

7. *Notices of Motion for Next Meeting*

8. *First Reading of the Bills*

9. *Second Reading of the Bills - Committee of the Whole*

10. *Third Reading of the Bills*

11. *Question Period*

12. *Adjournment.*

MINUTES

Minutes of Hamilton City Council
1993 May 11
7:30 o'clock p.m.
Council Chambers, City Hall

The Council met:

Present: Mayor Robert M. Morrow
Aldermen Cooke, Kiss, Agro, McCulloch, Morelli, Drury, Copps, Wilson,
Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, Ross, D'Amico.

Mayor R. M. Morrow called the meeting to order.

* * * * *

The National Anthem was played.

* * * * *

Imam Abdul Rouf, Muslim Mosque led Council in Prayer.

* * * * *

The minutes of the Regular meeting of 1993 April 27 were adopted as circulated.

* * * * *

CORRESPONDENCE

1. Application dated 1993 April 30 from 800064 Ontario Inc., 161 Rebecca Street, Hamilton, Ontario for a change in zoning from "C" (Urban Protected Residential, etc.) District modified to "R-4" (Small Lot Single-Family Detached) District for Block "1" and to "DE-2" (Multiple Dwellings) District for Block "2" for lands located south of Claudette Gate and West of Garth Street, Hamilton, Ontario.

Received.

1993 May 11

2. Application dated 1993 May 10 from Mr. and Mrs. Russell McCrory, 631 Rymal Road West, Hamilton, Ontario for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located at No. 631 Rymal Road West, Hamilton, Ontario.

Received.

3. Letter dated 1993 May 6 from the City of Ottawa respecting a resolution re: proposed funding cuts by the Provincial Government.

Referred to the Finance and Administration Committee.

4. Letter dated 1993 May 4 from the Town of Ancaster respecting the proposed Provincial Social Contract and Expenditure Control Plan.

Referred to the Finance and Administration Committee.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss that the Reports of the Transport and Environment Committee, the Planning and Development Committee, the Finance and Administration Committee, and the Committee of the Whole, be now considered in Committee of the Whole with Alderman Ross in the Chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE - SIXTH REPORT

Section 12 Re: School Crossing Guard - lunch hour period - Barton St. E. and Nash Rd.

It was moved by Alderman Eisenberger and seconded by Alderman Agostino that Section 12 of the Sixth Report of the Transport and Environment Committee for 1993 be referred back.

CARRIED.

PLANNING AND DEVELOPMENT COMMITTEE - NINTH REPORT

Section 11 Re: Advertising Sign - Hamilton Tiger Cat Football Club

It was moved by Alderman McCulloch and seconded by Alderman Merling that Section 11 of the Ninth Report of the Planning and Development Committee be amended by deleting the words "denied for the reasons that the building is designated under the Ontario Heritage Act and that the Ontario Heritage Foundation holds a heritage easement on the property" and insert the word "approved" in lieu thereof.

CARRIED.

Recorded vote on Section 11 as amended.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, Ross. - 15.

NAYS: Aldermen Wilson, D'Amico. -2.

CARRIED.

FINANCE AND ADMINISTRATION COMMITTEE - ELEVENTH REPORT

Section 14 Re: Capital Grant - Venetian Club

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -16.

NAYS: Alderman Copps. -1.

CARRIED.

* * * * *

Section 19 Re: Adult Video Stores - Licence Fees

It was moved by Alderman Charters and seconded by Alderman Jackson that the following be added as Section 19 of the Eleventh Report for 1993 of the Finance and Administration Committee:

"That no action be taken to reduce the current licence fee for Adult Video Stores."

CARRIED.

* * * * *

Section 20 Re: Appointment of Members - Hearing re: Unit 2 - 558 Upper Gage Avenue

It was moved by Alderman Charters and seconded by Alderman Jackson that the following be added as Section 20 of the Eleventh Report for 1993 of the Finance and Administration Committee:

"That further to City Council approval of Section 8 of the Ninth Report for 1993 of the Finance and Administration Committee at its meeting held 1993 April 27th, to conduct a Hearing, on the issue of whether or not the City of Hamilton Adult Video By-law 93-045 should be amended to recognize Unit 2 of 558 Upper Gage Avenue, as a location eligible for an Adult Video Tape Store Licence effective 1993 February 23rd, the following three members of City Council be appointed:

Alderman D. Drury
Alderman F. Eisenberger
Alderman W. McCulloch"

CARRIED.

COMMITTEE OF THE WHOLE - FIFTH REPORT

Recorded vote on Section 1

YEAS: Aldermen Cooke, Kiss, Agro, McCulloch, Wilson, Agostino, Jackson, Anderson. -8.

NAYS: Mayor Morrow, Aldermen Drury, Morelli, Copps, Eisenberger, Charters, Merling, D'Amico, Ross. 9. **LOST.**

RESOLUTION

It was moved by Alderman Agro and seconded by Alderman Drury that the request of the Hamilton Public Library Board for bridge financing in the amount of \$225,750 be referred to the City Treasurer and Chief Administrative Officer for a report. **CARRIED.**

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Planning and Development Committee, the Finance and Administration Committee, and the Committee of the Whole, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

ADOPTION OF BILLS

It was moved by Alderman Cooke and seconded by Alderman Kiss that the following Bills be now read a first time:

A-36, A-37, A-38, A-39, A-40, A-41.

C-40, C-41, C-43.

H-39.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss that Council move into Committee of the Whole to consider the following Bills, with Alderman Ross in the chair. (second reading).

A-36, A-37, A-38, A-39, A-40, A-41.

C-40, C-41, C-43.

H-39.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

* * * * *

Consideration of the Bills (second reading).

* * * * *

It was moved by Alderman Cooke seconded by Alderman Kiss that the Report of the Committee of the Whole on the following Bills, be adopted. -

A-36, A-37, A-38, A-39, A-40, A-41.
C-40, C-41, C-43.
H-39.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

* * * * *

1993 May 11

It was moved by Alderman Cooke and seconded by Alderman Kiss that the following Bills, be now read a third time, signed, sealed and enrolled as By-laws:

A-36, A-37, A-38, A-39, A-40, A-41.
C-40, C-41, C-43.
H-39.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

* * * * *

City Council then adjourned at 8:50 o'clock p.m.

* * * * *

Taken as read and approved.

Mayor R. M. Morrow

J. J. Schatz, City Clerk
1993 May 11

CORRESPONDENCE

Correspondence

1. Application dated 1993 May 18 from Diana Marie Hubbard and Edith Hubbard, 48 Terrace Drive, Dundas, Ontario for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District for property located at No. 1367 Upper James Street, Hamilton, Ontario.

Recommendation: **Be Received.**

2. Application dated 1993 May 18 from Latco (1986) Developments Limited, Yonge-Eglinton Centre, 20 Eglinton Avenue West, Toronto, Ontario for a further modificaton to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations for property located at No. 85 Robinson Street (Thistle Club), Hamilton, Ontario.

Recommendation: **Be Received.**

1993 May 25

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Parks and Recreation Committee presents its **TENTH** Report for 1993 and respectfully recommends:

1. That permission be granted to the Gershome Neighbourhood Park Committee to hold a fireworks display in conjunction with their official park opening on 1993 June 30; subject to the Gershome Neighbourhood Park Committee providing proof of \$2 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury, naming the City as co-insured.
2. That approval be given to Inch Park Baseball Association to sell alcoholic beverages at their Fundraising Dance scheduled to take place at the Inch Park Ice Pad on 1993 May 29, subject to the following terms and conditions:
 - (a) That proof of \$2 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury, naming the City as co-insured be provided.
 - (b) That the applicant meet all requirements of the Liquor License Board of Ontario for issuance of a Special Occasion Permit.
 - (c) That the applicant assume responsibility for clean-up and all labour-related costs as a result of this event.
 - (d) That the rental fee of \$175. be waived for this event.
 - (e) That the appropriate financial statement be submitted following this event.

3. (a) That permission be granted to the Hellenic Community of St. Demistrios to utilize Victoria Park for the purpose of hosting their Festival to be held 1993 July 30 to 1993 August 2, subject to the following terms and conditions:
 - i. That approval be received from Health and Fire Departments for arrangements for the sale of food and refreshments.
 - ii. That proof of \$2 million Public Liability Insurance for Property Damage and Bodily Injury, naming the City as additional insured, be provided.
 - iii. That police security, satisfactory to the Hamilton-Wentworth Regional Police be provided.
 - iv. That precaution be taken by the organizers to ensure grounds are not damaged and financial restitution be made to the City for any damage that may occur.
 - v. That all City costs over the above the norm, incurred as a result of this event be paid by the applicant.
- (b) That permission be granted to the Hellenic Community of St. Demistrios to provide amusement rides, games, food and novelty concessions at Victoria Park, to be operated by Big "A" Amusement Limited.
4. That permission be granted to the Greek-Canadian Church to erect a tent at Inch Park for the purpose of cooking and selling food and to provide an area for entertainment and dancing, in conjunction with their Annual Greek Fest to be held 1993 August 14, August 15 and August 16, subject to the following terms and conditions:
 - (a) That approval be received from Health and Fire Departments for arrangements for the sale of food and refreshments.
 - (b) That proof of \$2 million Public Liability Insurance for Property Damage and Bodily Injury, naming the City as additional insured, be provided.
 - (c) That police security, satisfactory to the Hamilton-Wentworth Regional Police be provided.
 - (d) That precaution be taken by the organizers to ensure grounds are not damaged and financial restitution be made to the City for any damage that may occur.
 - (e) That all City costs over the above the norm, incurred as a result of this event be paid by the applicant.
 - (f) That permission be granted to park 100 vehicles on Inch Park, in an area approved by the Parks Division.

1993 May 25

5. That approval of the request by the International Society of Arboriculture to use Gage Park (northwest of bandshell) to host the "Tree Climbing Jamboree", 1993 June 12 from 8:00 o'clock a.m. to 5:00 o'clock p.m., subject to the following terms and conditions:
 - (a) That insurance, in the amount of \$2 million, Comprehensive General Liability Insurance for Property Damage and Bodily Injury, subject to cross liability, and 30 days notice of cancellation, be provided.
 - (b) That the applicant assume responsibility for all labour-related costs as a result of this event i.e. clean-up.
 - (c) That the terms and conditions be reviewed and monitored by the Special Events/Festival Advisory Team.
 - (d) That the rain date for this event will be 1993 June 13.
6. That permission be granted to the Hamilton Wentworth Creative Arts Inc. to use Gore Park for the "Buskingfest" to be held 1993 June 3, June 4 and June 5, from 12:00 o'clock noon to 9:00 o'clock p.m. subject to the following terms and conditions:
 - (a) That proof of \$2 million Comprehensive Liability Insurance for Property Damage and Bodily Injury be provided, same to be submitted 30 days in advance of the event and naming the City as co-insured satisfactory to City.
 - (b) That the applicant assume responsibility for all labour-related charges associated with the event, (set-up, dismantling, clean-up, etc.).
 - (c) That special duty officers as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense.
 - (d) That the terms and conditions be reviewed and monitored by the Special Events/Festival Advisory Team.

7. That permission be granted to the Hamilton Croatia Soccer Club to sell beer and food on the occasion of the Annual North American Croatian Soccer Tournament to be held at Mohawk Sports Park and Brian Timmis Stadium, on 1993 September 4 and September 5, subject to the following terms and conditions:
 - (a) That proof of insurance in the amount of \$2 million, Comprehensive General Liability Insurance for Property Damage and Bodily Injury, subject to cross liability naming the City as co-insured, be submitted 30 days in advance of the event.
 - (b) That all requirements of the Liquor Licence Board of Ontario are met.
 - (c) That beer be served in a confined area of the park.
 - (d) That the applicant assume responsibility for all labour-related costs as a result of the event, including set-up and clean-up.
 - (e) That special duty officers as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense.
8. That permission be granted to the Hamilton Ladies Slo-Pitch Softball Association Inc. to sell alcoholic beverages during the occasion of their slo-pitch tournament, scheduled at Globe Park, 1993 May 29 and May 30, subject to the following terms and conditions:
 - (a) The proof of \$2 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury, naming the City as additional insured, be provided.
 - (b) That the applicant meet all requirements of the Liquor Licence Board of Ontario for issuance of a Special Occasion Permit.
 - (c) That the Concessionaire be contacted to make the necessary arrangements for the provision of food.
 - (d) That the applicant assume responsibility for all labour-related costs as a result of this event.
 - (e) That special duty officers, as may be deemed necessary by the Hamilton-Wentworth Regional Police, be provided at the applicant's expense.

9. That permission be granted to the Hamilton and District Slo-Pitch Association to sell beer during the occasion of their softball tournament, scheduled at Globe Park, on the following dates 1993 June 3 to June 6, under the terms and conditions which includes the following:
 - (a) The proof of \$2 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury, naming the City as additional insured, be provided.
 - (b) That the applicant meet all requirements of the Liquor Licence Board of Ontario for issuance of a Special Occasion Permit.
 - (c) That the Concessionaire be contacted to make the necessary arrangements for the provision of food.
 - (d) That the applicant assume responsibility for all labour-related costs as a result of this event.
 - (e) That special duty officers, as may be deemed necessary by the Hamilton-Wentworth Regional Police, be provided at the applicant's expense.
10. That permission be granted to the Hamilton Press Club to sell beer during the occasion of their baseball tournament, scheduled at Globe Park, commencing 1993 June 11 to June 13, under the terms and conditions which includes the following:
 - (a) That proof of \$2 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury, naming the City as additional insured, be provided.
 - (b) That the applicant meet all requirements of the Liquor Licence Board of Ontario for issuance of a Special Occasion Permit.
 - (c) That the Concessionaire be contacted to make the necessary arrangements for the provision of food.
 - (d) That the applicant assume responsibility for all labour-related costs as a result of this event.
 - (e) That special duty officers, as may be deemed necessary by the Hamilton-Wentworth Regional Police, be provided at the applicant's expense.

1993 May 25

11. That permission be granted to Union Gas Limited to sell alcoholic beverages during the occasion of their baseball tournament, scheduled at Globe Park, commencing 1993 June 18 to June 20, under the terms and conditions which includes the following:
 - (a) That proof of \$2 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury, naming the City as additional insured, be provided.
 - (b) That the applicant meet all requirements of the Liquor Licence Board of Ontario for issuance of a Special Occasion Permit.
 - (c) That the Concessionaire be contacted to make the necessary arrangements for the provision of food.
 - (d) That the applicant assume responsibility for all labour-related costs as a result of this event.
 - (e) That special duty officers, as may be deemed necessary by the Hamilton-Wentworth Regional Police, be provided at the applicant's expense.
12. That permission be granted to the Tournament Players Series (T.P.S.) Slo-Pitch Team to sell beer during the occasion of their Slo-pitch Tournament, scheduled at Globe Park, on the following dates 1993 June 26 and June 27, under the terms and conditions which includes the following:
 - (a) That proof of \$2 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury, naming the City as additional insured, be provided.
 - (b) That the applicant meet all requirements of the Liquor Licence Board of Ontario for issuance of a Special Occasion Permit.
 - (c) That the Concessionaire be contacted to make the necessary arrangements for the provision of food.
 - (d) That the applicant assume responsibility for all labour-related costs as a result of this event.
 - (e) That Special Duty Officers, as may be deemed necessary by the Hamilton-Wentworth Regional Police, be provided at the applicant's expense.

1993 May 25

13. That permission be granted to the United Way of Burlington, Hamilton-Wentworth to serve food and alcoholic beverages in the Dundurn Park Pavilion on the occasion of their Annual Meeting being held in Dundurn Park Pavilion, 1993 June 17, from 5:00 o'clock p.m. to 8:00 o'clock p.m., subject to the following terms and conditions:
 - (a) Proof of \$2 million dollars Comprehensive General Liability Insurance for Property Damage and Bodily Injury, same to be submitted 30 days in advance, naming the City as co-insured.
 - (b) That the applicant assume responsibility for all labour-charges associated with the event (set-up, dismantling, clean-up, etc.)
 - (c) That alcoholic beverages may be served in the confined area of the Pavilion (beer and wine) on June 17 from 5:00 o'clock p.m. to 8:00 o'clock p.m.
 - (d) That the application adhere to all regulations stipulated by the Liquor Licence Board of Ontario in the provision of alcoholic beverages.
 - (e) That special duty officer as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense.
 - (f) That the terms and conditions be reviewed and monitored by the Special Events/Festival Advisory Team.
14. That permission be granted to the Hamilton Association of the Deaf to serve food and alcoholic beverages in the Dundurn Park Pavilion on the occasion of their Picnic/Barbecues being held in Dundurn Park Pavilion, 1993 July 18 and August 14, 12:00 o'clock noon to 7:00 o'clock p.m., subject to the following terms and conditions:
 - (a) Proof of \$2 million dollars Comprehensive General Liability Insurance for Property Damage and Bodily Injury, same to be submitted 30 days in advance, naming the City as co-insured.
 - (b) That the applicant assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc.)
 - (c) That alcoholic beverages may be served in the confined area of the Pavilion (beer and wine) on July 18 and on August 14 from 12 o'clock noon to 7:00 o'clock p.m.

1993 May 25

25. That a currently vacant position of Sports Groundsman II within the Parks Development and Maintenance Section be eliminated.
26. (a) That the Opening Ceremony for Pier-4 and Harbourfront Parks be held on Friday, 1993 July 23 at 6:30 o'clock p.m. coinciding with the commencement of the annual Aquafest event.

(b) That the civic funding portion totalling \$6,000. for this event be taken from Account No. CF41925 4003 Harbourfront Park Remediation - Stage 2.
27. (a) That the Terms of Reference as identified in Appendix "C" attached hereto, be adopted as the guidelines for undertaking the West Harbourfront Development Study.

(b) That for the purposes of coordinating the overall study as identified in the Terms of Reference, the West Harbourfront Development Steering Committee be comprised of:

Chairperson of the Parks and Recreation Committee

4 City Councillors - Alderman T. Cooke

Alderman B. Morelli

Alderman D. Ross

Alderman F. Eisenberger

City of Hamilton Representative - Hamilton Harbour Commissioners

3 Representatives from the Local Business Community

3 Representatives from the Citizens of Hamilton

- (c) That the City Clerk be authorized to advertise for the private sector and citizen positions on the Steering Committee, in order that the City Councillor Steering Committee members may complete interviews and establish the full Steering Committee.

- (d) That a West Harbourfront Development Technical Advisory Committee be established under the coordination of the Manager of Parks, to provide technical support to the Steering Committee with representation from various Civic and Regional Departments as follows:

Chief Administrative Officer	-	Joe Pavelka
Local Planning	-	Victor Abraham
Law Department	-	Patrice Noé Johnson
Property Department	-	Dan Vyce
Regional Economic Development	-	Nick Catalano
Regional Special Projects	-	John van der Mark
Regional Environmental Services	-	Konrad Brenner
Treasury Department	-	Alan Ross
Culture and Recreation Department	-	Robert Sugden
Traffic Department	-	Murray Main
Public Works Department	-	Doug Lobo
Parks Division	-	Chris Firth-Eagland
Canadian National Railway	-	(to be named)

- (e) That the Steering Committee establish a public outreach programme to solicit public input including open house meetings.
- (f) That the various sub-committees and stakeholder groups identified in the Terms of Reference name a designate to facilitate the two-way flow of communication between their respective agency and the West Harbourfront Development Technical Advisory Committee.
- (g) That the Secretary of the Parks and Recreation Committee be appointed as the Secretary of the West Harbourfront Steering and Technical Advisory Committees.

28. That approval be given to name the newly created Neighbourhood Park in the Gershome Neighbourhood the "Father Sean O'Sullivan Memorial Park".

Respectfully Submitted,

Kevin C. Christenson
Secretary

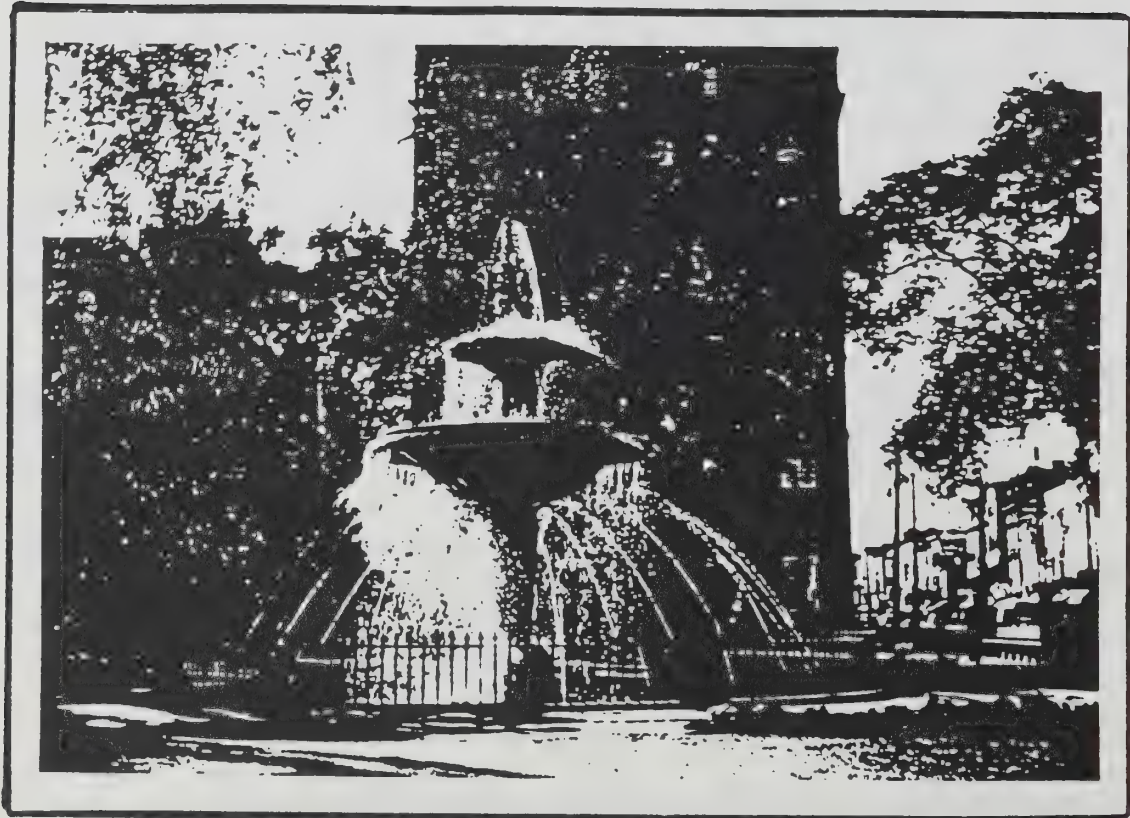
ALDERMAN T. JACKSON, CHAIRPERSON
PARKS AND RECREATION COMMITTEE

1993 May 18

1993 May 25

Appendix "A" as referred to in
Section 16 of the TENTH Report
of the Parks and Recreation
Committee for 1993

A PROPOSAL FOR THE RESTORATION
OF THE ORIGINAL GORE PARK FOUNTAIN



The Head-of-the-Lake
Historical Society *
Gore Park Fountain
Restoration Committee

PROPOSAL: To recreate and install the original Gore Park fountain as a project celebrating the City of Hamilton's Sesquicentennial in 1996.

BACKGROUND: The Gore of Hamilton was originally set aside by the city's founder, George Hamilton, for use as an open green space. The failure of Nathaniel Hughson to follow through on an agreement to provide an identical piece of property, which would have given the lot a rectangular configuration, resulted in the unique "gore" shaped area which was eventually developed into a formal park. The central location of this open space roughly mimics the town "common" or "green" so prevalent in 18th and early 19th century U.S. settlements.

In the 1850's, Hamilton undertook the planning and development of a reliable supply of safe, fresh water. Incorporated into the plans for a network of water lines fed from a pumphouse located adjacent to Lake Ontario, was a centrepiece fountain to be erected in Gore Park. This fountain, and its smaller mate located just East of John Street, would proudly remind citizen and visitor alike of Hamilton's progressive nature. Though tested as early as 1859, the waterworks and fountain were not formally dedicated until the arrival of His Royal Highness, Edward Prince of Wales in September of 1860. That the city had been able to arrange for this royal presence at the dedication, in an era pre-dating trans-Atlantic travel by the Monarchy, speaks highly of both the vision of the City Fathers and of the importance of the project itself. In an earlier ceremony, a young Hamilton schoolboy had been given the honor of opening the valve to the fountain itself. That young boy was John Morison Gibson, who would go on to distinguish himself as one of the visionaries who successfully brought hydro-electricity into Hamilton from Decew Falls. Gibson would eventually become this city's first representative as Lieutenant-Governor of the Province of Ontario. Clearly the fountain had a long, proud place in Hamilton's history.

Age and deterioration led to the dismantling and removal of the fountain in 1959. Subsequent redevelopment has seen a succession of three different fountain treatments in the intervening thirty-two years. Though each design has been different and unique, none has captured the essence of, or the public's fondness for the original.

Given the current review of Gore Park's function and purpose in the future of the downtown core, the public's continued restlessness with repeated attempts to redefine the park itself, the fondness and nostalgia attached to the original fountain, and the importance of the upcoming 150th anniversary of the City of Hamilton, the Head-of-the-Lake Historical Society believes the time is right to re-establish a city landmark in a positive, celebratory manner.

MECHANISM FOR ACHIEVING THIS PROPOSAL: Assuming that this proposal is accepted in principle by the various interested parties, it would be the Society's intention to operate the project as a private one. As a private effort, by apolitical interests, it is hoped that any residual negative criticism from conflicts and different opinions concerning the redevelopment of the park might be avoided. A private effort also relieves the city from having to defend the costs of the project.

By recreating the original fountain, and perhaps even being able to incorporate some of its original components, the possibility exists to elevate the project to the level of a cause celebre with Hamilton residents, both older ones who can recall the original, and younger ones who's imaginations can be captured. This enthusiasm is seen as being central to the recreation, both in terms of allowing citizens to directly participate in the restoration of a cherished landmark, and in the funding of the venture. For these reasons it would be important not to stray from the original design except in the interests of safety and/or structural integrity. Any further deviation would risk the loss of the public's imagination thereby reducing the proposal to yet another attempt to replace rather than recreate the original.

Having successfully suggested and developed the proposal to incorporate the former Hamilton City Hall clock and bell mechanism in the present Hamilton Eaton Centre, the Society believes that thorough planning and public support are the key elements in the recreation of the fountain. Towards this end we would closely follow the model of the clock project wherever possible. It is realized that this project is different however and that it would require a somewhat different strategy, notably in the area of funding. Given the stature of the project, the potential public participation and good will garnered from it, and the overall importance and celebration of the Sesquicentennial, this is not seen as being prohibitive.

LOCATION: The original fountain was sponsored by the Bank of British North America and was consequently placed adjacent to the bank. This structure was located on the South side of King Street, on the site presently occupied by the Bank of Nova Scotia. From an historical point of view the Society would encourage a setting as close to the original as possible. However, realizing that subsequent alterations and redefinition of the park might make such a placement difficult, it would also accept that a location to the East of the original might be necessary. This could be advantageous if the infrastructure for the present water pool could be incorporated. As there has often been talk of closing the segment of Hughson Street that bisects the park, a strong argument could be made for the placement of the fountain in this highly visible location if such a closure were anticipated.

However the Society recognizes that any decision in the placement of such a fountain would involve input from many individuals and organizations. The above suggestions are therefore made only with a thought towards the aesthetics and the historical integrity of any such decision.

1993 May 25



Downtown Hamilton Business Improvement Area.
P.O. Box 1023, Station A, Hamilton, Ontario L8N 3R4 Telephone (416) 523-1646

August 21, 1992

Head-of-the Lake
Historical Society
P.O. Box 896, Station A
HAMILTON, Ontario
L8N 3P6

Attention: Mr. Dennis Missett

Dear Sir:-

RE: THE GORE PARK FOUNTAIN

First, on behalf of the Board of Directors of the Downtown Promenade BIA, I want to thank you and your committee for your presentation at our Board Meeting, Wednesday, August 26th.

After you left, the Board directed me to advise you that they heartily endorse your proposal of bringing a replication of the original fountain into the Gore as part of the City's Sesquicentennial Anniversary.

The two requests that we are attaching to this endorsement is that we be provided with a clear photograph or perhaps an architect's drawing of the proposed fountain and as well, we wish to make it clear that we will ultimately want to be consulted and have input on the specific location of the fountain within Gore Park.

Again, thank you for your public spirit and efforts to bring back some history into the downtown area and provide this City with a beautiful focal point for it's residents and visitors. We wish you every success.

Yours truly,

C. R. Harris, Chairman,
Board of Directors,
Downtown Promenade B.I.A.

1993 May 25

ROBERT M. MORROW
MAYOR



July 14th, 1992

Mr. Dennis Missett
President
The Head-of-the-Lake Historical Society
P.O. Box 896, Station A
HAMILTON, Ontario
LSN 3P6

Dear Dennis:

RE: PROPOSAL FOR THE RESTORATION OF
THE ORIGINAL GORE PARK FOUNTAIN

I was delighted to have the opportunity of meeting with you and Mr. Ray Harris of the Downtown Business Improvement Area with respect to a very special Hamilton Sesquicentennial project - - the recreation and installation of a replica of the original Gore Park Fountain. This very special project would help us celebrate our Sesquicentennial and restore a major focal point in our downtown core.

The Head-of-the-Lake Historical Society successfully recommended and developed a proposal to incorporate the former Hamilton City Hall clock and bell mechanism in the present Hamilton Eaton Square, and I am confident from this experience you and your colleagues will be able to restore the fountain in Gore Park. I strongly support this project and would encourage as many members of the community as possible to participate by providing private funds to make this a truly significant part of our 1996 Sesquicentennial in Hamilton.

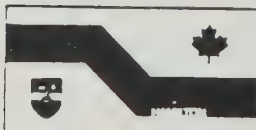
Yours sincerely,

RM

Robert M. Morrow
Mayor

RMM/DC/pb.

cc: Members of Hamilton City Council
R. Sugden, Director of Culture & Recreation
D. Carson, Executive Assistant to the Mayor



City Hall
71 Main Street West, Hamilton, Ontario, Canada L8N 3T4
Telephone : (416) 546-2790
546-2448 (TDD Only)

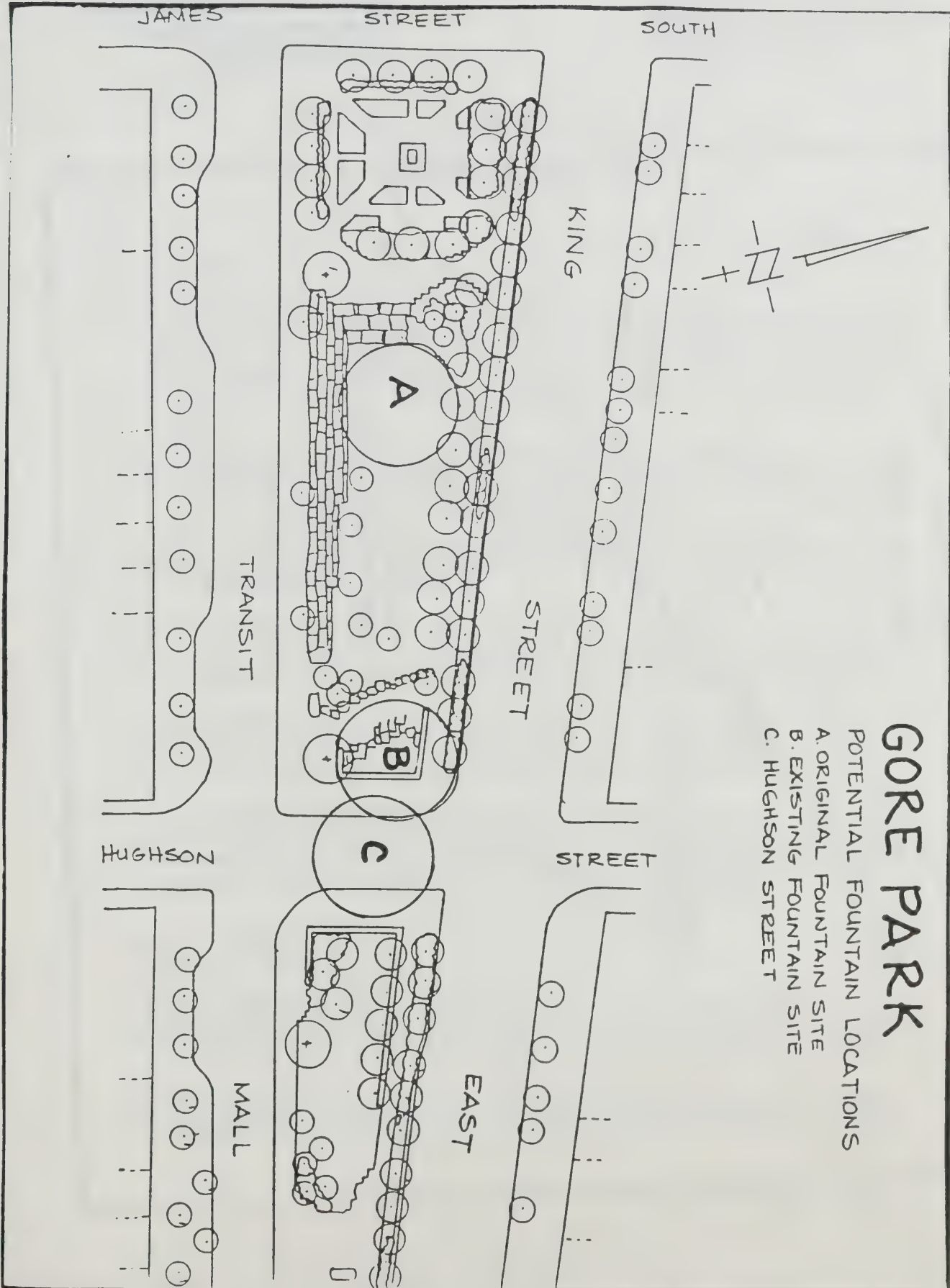
THE HEAD-OF-THE-LAKE HISTORICAL SOCIETY

Tracing its heritage back to the Wentworth Historical Society of the late 19th and early 20th century, our society was founded in 1944. The name itself was selected as a reminder that some of the earliest settlers referred to the Western shores of Lake Ontario simply as "the head of the lake." Since its inception, our membership has enthusiastically fulfilled the motto "Explore-Preserve-Relate" in a variety of ways. The organization's regular monthly meetings have provided the amateur and professional historian alike the forum to share their research and discoveries about our City's past. Many of these essays have been published in the Society's journal Wentworth Bygones.

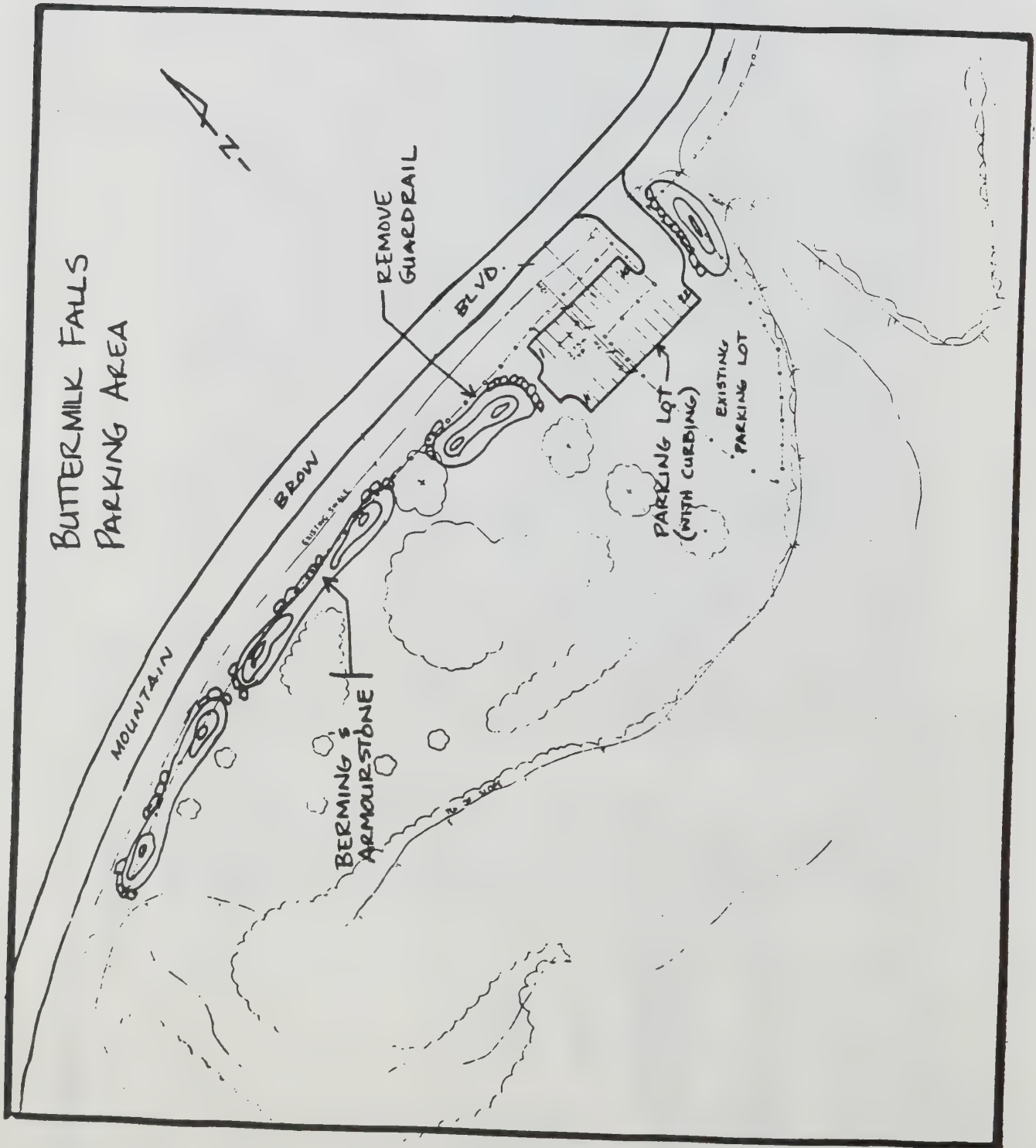
The ongoing collection of historical photographs has evolved into an excellent collection of images of Hamilton's development. These are presently held in the Special Collections Department of the Hamilton Public Library. In 1985, this attempt to preserve photographs evolved into the award winning pictorial history Around and About Hamilton 1785-1985, which to date has sold over six thousand copies.

Undoubtedly our Society's most ambitious project to date has been to successfully convince Cadillac Fairview to incorporate the former Hamilton City Hall clock and bell mechanism into the Hamilton Eaton Centre in 1990. Formed in 1986, a committee of our members provided the historical background and enthusiasm necessary to ensure that the City Council and Cadillac Fairview recognized the merits of restoring the clock to its prominent place on James Street North.

Through activities and achievements such as these a strong pride and commitment to Hamilton's rich history may be found. The proposal to replace the historic Gore Park fountain as a part of our City's sesquicentennial celebration in 1996 is yet another attempt to share that pride with all Hamilton's citizens.



Appendix "B" as referred to in
Section 24 of the TENTH Report
of the Parks and Recreation
Committee for 1993



WEST HARBOURFRONT DEVELOPMENT STUDY

TERMS OF REFERENCE

Introduction

Hamilton is blessed with numerous natural features which have helped shape the development and character of this City. Of all the significant features such as the Niagara Escarpment, Cootes Paradise, Hamilton Beach, numerous ravines and watercourses, Hamilton Harbour with access to Lake Ontario has contributed the most to this City's development.

As with numerous other cities around the globe which share Hamilton's good fortune in having a significant harbour, a long range vision is required which will govern the future development of the land base forming the most integral part of our waterbased resource.

The West Harbourfront Development Study is intended to be a comprehensive, multi-disciplinary project which will ultimately lead to a development vision to guide the future of the West Harbourfront Precinct.

In order for this study to be truly 'comprehensive' and to achieve the desired end product, the study process must involve the perspectives and cooperation of numerous public and private agencies. In this regard, commitment to the study will be the key to it's success.

It is imperative to recognize from the outset that the number of Civic and Regional departments, sub-committees of Council, public and private interest groups having the skills, interests and jurisdictions concerning the many facets of the study, is very large.

The coordination and integration of these various groups and the monitoring and follow through on related tasks will be the most formidable aspect of the overall study. To this end, a Steering Committee and supporting Technical Advisory Committee will be formed to ensure the ongoing direction and commitment needed for the successful completion of the project.

Mission Statement

The City of Hamilton, through the West Harbourfront Development Steering Committee, will undertake a comprehensive, multi-disciplinary study of the West Harbourfront Precinct to prepare development concept plans to guide the future development of this resource.

Recognizing that the study is unique and impacts upon the entire Community of Hamilton, this study must integrate a broad range of issues and interests in a comprehensive process that is simple, efficient and fiscally responsible in nature.

**West Harbourfront Development Study
Terms of Reference**

April 7, 1993

Goals

For the long term, prepare development guidelines and conceptual plans for the successful, integrated development of the West Harbourfront Precinct.

For the short term, prepare detailed development plans for the Harbourfront Park site.

Study the feasibility of developing a multi-use sports complex/feature attraction, within the West Harbourfront Precinct.

Principles

1. The Steering Committee will co-ordinate the overall study through the Parks and Recreation Committee, having the authority to represent City Council.
2. The study shall be undertaken by a team of 'in house' staff from various Civic and Regional Departments to the extent possible with private sector consultants undertaking specific tasks under the direction of the Steering Committee.
3. The study process shall incorporate private and public sector representation, neighbourhood and public at large perspectives. Input shall be solicited through open house meetings and workshops.
4. The study process shall incorporate input from the various advisory committees of City Council through liaison representatives, reporting to the Technical Advisory Committee.
5. The study recognizes the need for universal public access to the waterfront.
6. The study will reflect positive human and natural environment enhancements within the contexts of sustainable development.
7. While being complimentary to the City's existing commercial matrix, the study will examine opportunities for new private sector as well as joint venture initiatives within the West Harbourfront Precinct and the community at large.
8. The study will recognize the need to minimize the negative impacts of any development or intensification of use, to the adjacent residential neighbourhoods and the community at large.
9. The study will establish a broad range of guidelines to govern the character of new development and redevelopment within the precinct.

West Harbourfront Development Study
Terms of Reference

April 7, 1993

10. The study will develop strategies to encourage land use conversions to uses compatible with the development strategies while remaining sensitive to the integrity of existing community structure.
11. The study will develop strategies to provide positive tourism, recreation and economic and environmental benefits compatible with the needs of this community.
12. The study will maintain a fiscal objective to minimize the ongoing financial burden upon the citizens of Hamilton.

**West Harbourfront Development Study
Terms of Reference**

April 7, 1993

STEERING COMMITTEE

Role: The Steering Committee shall coordinate and provide direction for the West Harbourfront Development Study.

Tasks

- a) Secure commitment from Technical Advisory Committee and affected public and private sector agencies to effectively participate in the study.
- b) Establish overall study time frame.
- c) Monitor and evaluate the ongoing progress and direction of the study.
- d) Advance recommendations through Parks and Recreation Committee to City Council.
- e) Act as 'front line' communicators to the public and the media.
- f) Receive information and perspectives from various stakeholders via the Technical Advisory Committee.
- g) Initiate discussions and negotiations with various levels of provincial and federal governments, public and private sector interest groups for the purposes of seeking support and participation in both the study process and the long term implementation strategies.

Composition

The total composition for the Steering Committee shall be ten members comprised of the following:

four City Councillors
three representatives from the local business community
three representatives from the Citizens of Hamilton

- * **Note:** Membership of the public and business community level shall be solicited through the City Clerks advertising and interview process, as per other sub-committees of City Council.

TECHNICAL ADVISORY COMMITTEE

Role: The Technical Advisory Committee shall act in an advisory and reporting capacity to the Steering Committee and direct the undertaking of various technical studies required to successfully complete the study mandate.

Tasks

- a) Secure commitment from the various line departments sub-committees of Council, public and private sector agencies to effectively participate in the study.
- b) Establish a detailed study time frame and monitor effectiveness of work progress.
- c) Review mandates of all departments and participating agencies to establish their role and participant level for the study.
- d) Provide avenues for the two-way flow of communication with all stakeholder and community interest groups.
- e) Evolve a public 'outreach' programme to inform and receive input from the public.
- f) Establish 'task specific' in house project teams to undertake components of the overall study and assign time targeted tasks.
- g) Determine project components to be undertaken by outside consultants and prepare specific terms of reference for these assignments.
- h) Review all Civic and Regional initiatives within the West Harbourfront Precinct to evaluate interrelationships and opportunities.
- i) Assemble interim and final reports.
- j) Prepare and present cost projections and capital budget submissions as required through the study process outlining an integrated strategy to implement the approved action steps.
- k) Facilitate public and private sector partnerships with those having interests and resources in the West Harbourfront Precinct towards the long range joint public and private sector implementation of the study action steps.

West Harbourfront Development Study
Terms of Reference

April 7, 1993

Composition

The composition of the Technical Advisory Committee will be largely management level representatives from the major civic and Regional Departments actively participating in the study.

Project Co-ordinator	-	R.W. Chrystian
Chief Administrative Officer	-	Joe Pavelka
Local Planning	-	Victor Abraham
Law Department	-	Patrice Noé Johnson
Property Department	-	Dan Vyce
Regional Economic Development	-	Nick Catalano
Regional Special Projects	-	John van der Mark
Regional Environmental Services	-	Konrad Brenner
Treasury Department	-	Alan Ross
Culture and Recreation Department	-	Robert Sugden
Traffic Department	-	Murray Main
Public Works Department	-	Doug Lobo
Parks Division	-	Chris Firth-Eagland
Canadian National Railway	-	To be named

West Harbourfront Development Study
Terms of Reference

April 7, 1993

MAJOR STUDY TASKS

Establish Steering Committee

The City Clerks office will be required to advertise for the three positions of local business community representatives and for the three positions of citizen representatives.

The interviewing for the positions will be undertaken by the Aldermanic representatives on the Steering Committee.

Secure Commitments to Participate

Based upon the magnitude of this study and the interdependence that will evolve between tasks, it is imperative that affected agencies and civic/regional departments commit to undertaking tasks in a timely and efficient fashion.

"Buy in" to the project will be coordinated through the Steering Committee and the upper management level staff on the Technical Advisory Committee.

Finalize Scope of Study/Terms of Reference

The Terms of Reference will be reviewed by the Steering and Technical Committees to reach a consensus understanding of the overall study scope and expectations.

Review Mandate of Internal Departments

The perspectives of each affected Civic and Regional Department must be reviewed quickly. Departments will outline their areas of expertise and jurisdiction and must commit to completing assigned components of the overall project and otherwise participating in a timely fashion.

Affected "in house" Departments include the following:

City	Law Department
Chief Administrative Office	Property Department
City Clerks Department	Public Works Department
Culture and Recreation Department	Traffic Department
Fire Department	Treasury Department
Housing Department	

**West Harbourfront Development Study
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Region

Economic Development Department
Transportation/Environmental Services Group
Planning and Development Department
Hamilton Region Conservation Authority
Royal Botanical Gardens
Police Department
Hamilton Street Railway

Establish Liaison Representatives of Various Agencies

For the purposes of this study, the following list identifies those sub-committees of Council and public agencies/stakeholder groups who will be required to appoint a designate for ongoing liaison between their respective groups and the Technical Advisory Committee:

CAPIC, Dapcom, Urban Design Committee, LACAC, Parks and Recreation Citizens Advisory Committee, H.S.R., Hamilton Region Conservation Authority, Hamilton Harbour Commissioners, Fish and Wildlife Habitat Restoration Project, BARC, RAP, Ferguson Avenue Redevelopment Advisory Committee, Barton Street, Downtown and International Village BIA's, Hamilton Chamber of Commerce, Regional Bikeways Committee, SEAT, C.N.R., Central/Beasley PRIDE H.INT Advisory Committee, Hamilton Construction Association.

Each of these groups will be requested to prepare a position paper which outlines the agencies perceived role in the study process, focusing on the value that their group will add to the overall project. The position paper will be reviewed by the Technical Advisory Committee and related tasks assigned as determined.

Prepare Study Time Frames

It is imperative that realistic achievable time frames for the study be established early. Progress, accountability, monitoring and expectations all require time frames for measurement. The Steering and Technical Advisory Committee must evaluate the overall project scope to establish the study process "life time".

Review all Civic and Major Private Sector Initiatives Within the West Harbourfront Precinct

All civic and regional capital projects, existing planning studies and major private sector initiatives affecting the precinct must be reviewed. In this fashion, opportunities and constraints can be realized early in the study process.

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Impacting initiatives include, but are not limited to the following:

- Construction of Regional Storm Water Management Facilities
- Perimeter road proposal
- Pier-4 Park development
- Remediation of Harbourfront Park
- Pedestrian and bicycle linkages under development
- Ferguson Avenue project
- GO Transit Study
- Gore Park Improvements
- Dundurn Castle Restorations
- Fish and Wildlife Habitat Restoration Project
- City Hall Redevelopment Study
- Central Area Plan
- North End Neighbourhood PRIDE

Evaluate Major Opportunities and Resources

All public land within the Precinct must be identified with jurisdictional mandates and ownership.

In addition to publicly owned properties such as all parkland, RBG lands, cemeteries and Regional properties, there are other land resources within the precinct which must be evaluated. There exists opportunities to improve the function and condition of many parcels of underutilized land owned by private interests.

In addition, other public agencies such as the Federal Department of Defence which owns the HMCS Star site adjacent to Eastwood Park, and the Canadian National Railway which owns the rail yard adjacent to Stuart Street, may play significant roles in the formulation of a West Harbourfront Development Vision.

Evaluate Comparative Studies and Developments

Numerous waterfront development planning exercises and waterfront developments have been undertaken in other cities. Relevant information from these initiatives should be evaluated as it pertains to this city's circumstances.

**West Harbourfront Development Study
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Identify Major 'In House' Tasks and Responsibilities

Based upon the mandate, jurisdictions and areas of expertise of the various civic and regional departments, numerous specific tasks from this study can be best addressed with "in house" staff. The Technical Advisory Committee will assign tasks and responsibilities as determined appropriate to complete the overall study.

Examples of "in house" tasks could include the design detail work for the ultimate development of Harbourfront Park, the evaluation of civic and regional infrastructures and a major transportation study of the precinct.

Identify External Consultant Tasks

Consultants with expertise in areas such as site/market analysis, sports complex/feature attraction requirements, programming and Environmental Assessments will be required.

The Technical Advisory Committee will recommend the specific tasks to be undertaken by consultants. Various departments will prepare specific Terms of Reference for the assignments such that the Steering Committee may recommend the award of Tender as required.

Establish Task Teams

Component tasks will bridge the jurisdiction of numerous civic and regional departments. To facilitate a cooperative and efficient approach to the completion of assignments, the Technical Advisory Committee will establish working teams who will be empowered to prepare coordinated multi-disciplinary resolutions to assignments.

Monitor Direction, Effectiveness and Timing

The Steering Committee and the Technical Advisory Committee must monitor on an ongoing basis the progress of the project. Adaptations to expectations, work plans and time frames can be made during the course of the study. However, in order to complete the study in a timely, fiscally responsible fashion, ongoing monitoring and reporting is imperative.

**West Harbourfront Development Study
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April 7, 1993

Establish Public Outreach Programme

The future of the West Harbourfront area is important to all of the members of this community. The two-way flow of information between the public and Study Team is important to its success.

The perspectives of area residents, the citizens of Hamilton and existing public committees can be incorporated into the study through an effective outreach programme.

The Technical Advisory Committee will outline and implement a strategy that will ensure effective communication with the public. This could include open house meetings, ongoing workshops, and newsletters as examples.

Receive and Evaluate Various Stakeholder Perspectives

Numerous stakeholder groups will be requested to provide "executive summaries" of their concerns, interests and visions for the development of the West Harbourfront Precinct. It is important that all of these perspectives are reviewed at the appropriate time in the study process.

Positive contributions which broaden and legitimize the content and hence the ultimate value of the study will be advanced by a variety of stakeholder groups. Providing mechanisms to review and incorporate these perspectives is imperative to the success of the project.

Evaluate Civic and Regional Infrastructure

All aspects of civic and regional infrastructure within the precinct will be reviewed. In house staff from various line departments will compile summaries of the adequacy of our existing infrastructure and propose strategies to relieve shortfalls in the context of the overall development schemes.

Prepare Civic/Regional West Harbourfront Precinct Transportation Statement

Transportation issues within the precinct must be evaluated at both the local or micro level - and in the scope of the 'broader picture' or macro level. Study issues will include public transit, rail services, local road and neighbourhood traffic patterns, review of the proposed perimeter road, signage, access points and parking.

This component task is a major undertaking within the scope of the overall study.

**West Harbourfront Development Study
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April 7, 1993

Review and Evaluate Related Federal and Provincial Initiatives

The Federal and Provincial governments have implemented numerous planning studies, developments and funding programmes which relate to the City of Hamilton proposed West Harbourfront Development Study. This study will benefit from a thorough review of these related issues such that their perspectives can be integrated into Hamilton's 'vision'.

Examples of related studies include:

- Great Lakes Water Quality Agreement
- Remedial Action Plan
- The Provincial Waterfront Trail Study
- The Lake Ontario Greenway Strategy (proposed)
- Royal Commission on the Future of the Toronto Waterfront
- Commission on Planning and Development Reform in Ontario
- Draft 'New Planning in Ontario'

Prepare Overall Draft Concept Plan

As components of the study are completed, staff will be positioned to prepare draft concept plans for the development of the precinct. The graphic representation of development schemes will greatly facilitate the understanding of the physical development issues of the study.

Detailed concepts for the development of Harbourfront Park can be evolved within the context of this study.

Preliminary concepts for the overall 'vision' are achievable as the study process evolves.

Staff from various line departments will participate in the preparation of concept plans under the direction of the Steering and Technical Advisory Committees.

Review Official Plan and Zoning Issues

The development strategies for the West Harbourfront Precinct which evolve through the course of the study may require amendments to the City's official plan and local land use zoning.

Review of the Official Plan and zoning matters must keep pace with the balance of the study in order that desirable amendments, if required, can be undertaken to facilitate implementation of approved land use modifications.

**West Harbourfront Development Study
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Prepare Long Term Development Guidelines

In addition to the guidelines which will evolve based upon the transportation and land use aspects of the study, additional guidelines must be evolved to ultimately govern the character of new development and re-development in the precinct.

As examples, guidelines concerning architectural aspects of new construction, preservation of site lines and historic elements, provision of public open space and pedestrian/bicycle linkages will be prepared.

Develop Financial Impact Statement

The financial aspects concerning this study can be divided into four basic categories including:

- Allotment of approved \$300,000.00 capital funding for the study
- Overall development strategy implementation costs
- Partnership initiatives to include funding from private sector interests and other levels of government funding
- Economic spinoffs/benefits accruing to the City as a result of development

The City of Hamilton has approved \$300,000.00 in 1993 for the undertaking of the West Harbourfront development study. These funds will be required by line departments to undertake specific 'in house' tasks. In addition, consultant services will be required to complete the overall study. The Technical Advisory Committee must review the distribution of both in house and external consultant tasks and establish levels of funding for the various agents involved in the study process.

From an overall perspective, the implementation of the development 'vision' and the shorter term development of Harbourfront Park, will require significant capital funds.

An implementation strategy outlining all associated capital and maintenance costs must be evolved as a component of the study. The cost/benefit analysis of any development scenarios will be of utmost importance to the relevance and achievable success of the study findings.

Both 'in house' and consultant services may be required to develop the global cost/benefit "picture".

The results of this study will form the imputes for accessing federal, provincial and private sector funding. Partnerships between various levels of government and the private sector must be evolved through the course of the study, in order to achieve the best possible climate for positive economic benefit.

**West Harbourfront Development Study
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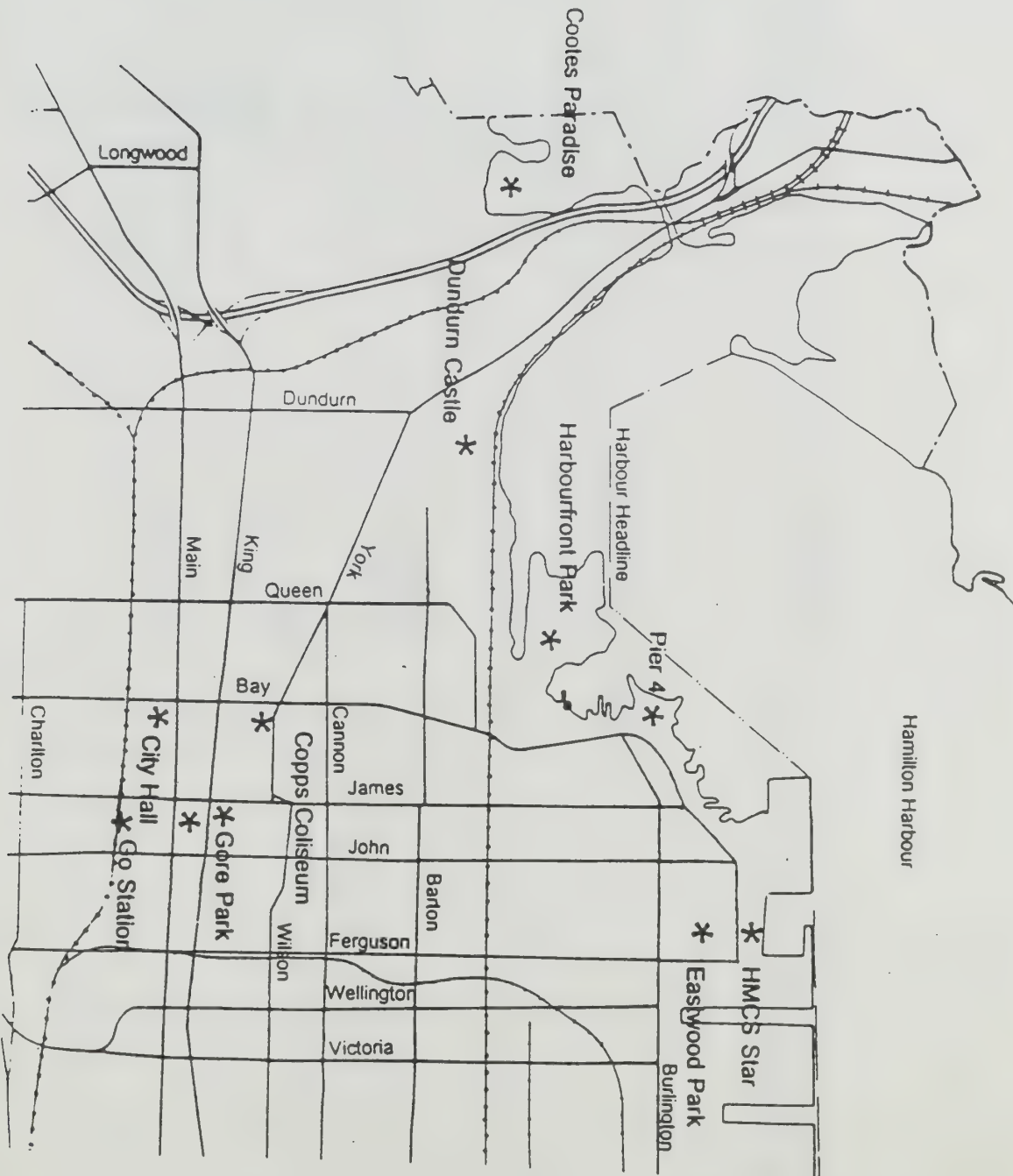
Prepare Draft Plan Report

Under the direction of the Technical Advisory Committee the various Task Teams, line departments and consultants will be required to submit component summary reports. The text and conceptual plans will be amalgamated into a West Harbourfront Development Draft Report.

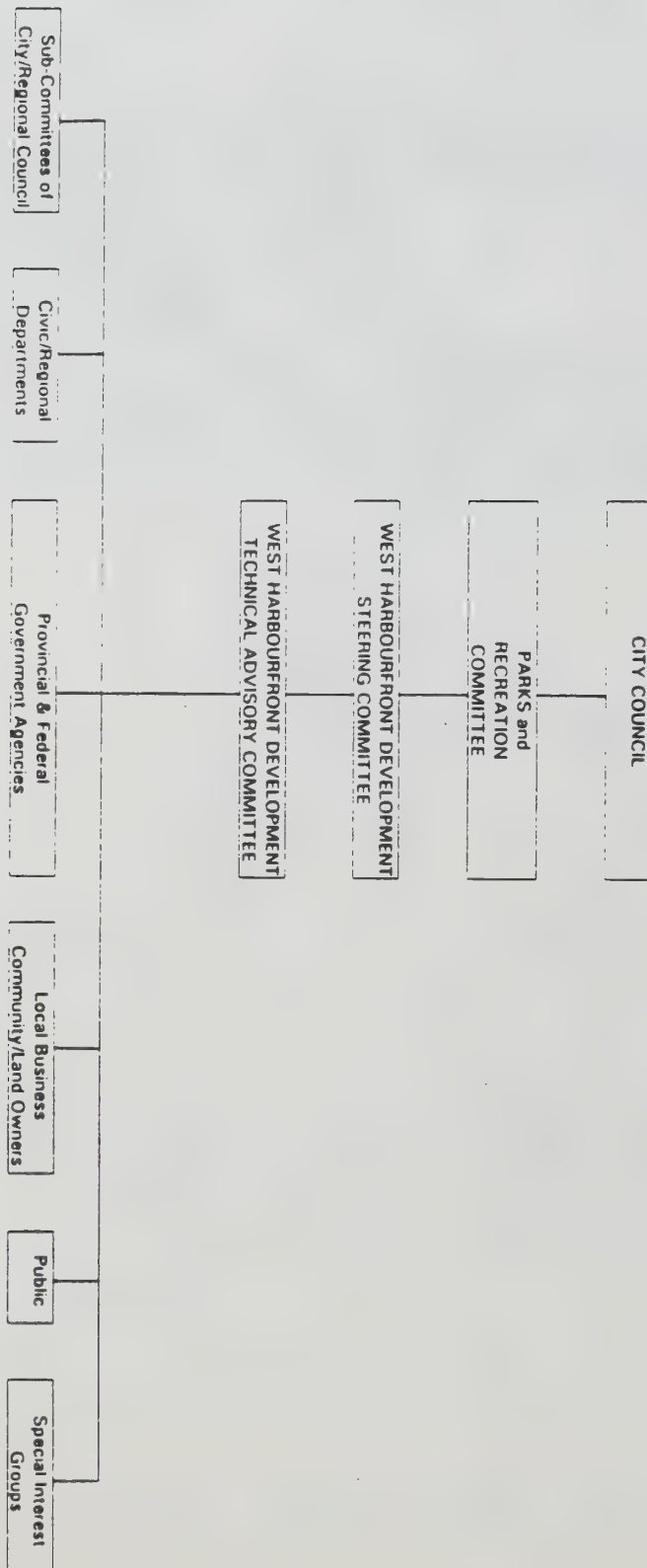
Circularize and Review Draft Report

The Draft report will undergo an intense review by all affected/interested civic and regional departments as well as numerous external agencies. Based upon the comments received through the "bureaucratic" review and those comments received through the public and the standing committees of Council a final report will be prepared for the consideration of City Council.

West Harbourfront Precinct



REPORTING STRUCTURE



SCHEDULE OF WORK

MAJOR STUDY TASKS				ACTION/RESPONSIBILITY				May 1993	June 1993	July 1993	Aug. 1993	Sept. 1993	Oct. 1993	Nov. 1993	Dec. 1993	Jan. 1994	Feb. 1994	Mar. 1994	April 1994	May 1994	June 1994	July 1994	Aug. 1994	Sept. 1994	Oct. 1994	Nov. 1994	Dec. 1994	Jan. 1995	Feb. 1995	Mar. 1995	April 1995
Establish Steering Committee		City Clerk, Aldermanic, Steering Committee																													
Secure commitments to participate		Steering Committee & Technical Advisory																													
Finalize scope of study/Terms of Reference		Technical Advisory Committee																													
Review mandates & role of various departments		Technical Advisory Committee																													
Establish liaison representatives - various agencies		Technical Advisory Committee																													
Prepare study time frame		Steering Committee, Technical Advisory Committee																													
Review all City & Regional project initiatives		Technical Advisory Committee																													
Evaluate major opportunities & resources		Steering Committee, Technical Advisory Committee																													
Evaluate comparative studies & developments		Technical Advisory Committee, Line Departments																													
Identify major "to have" tasks & responsibilities		Technical Advisory Committee																													
Identify major external consultant tasks		Technical Advisory Committee																													
Establish Task Teams		Technical Advisory Committee																													
Monitor direction, effectiveness, timing		Steering Committee, Technical Advisory Committee																													
Establish Public Oversight programme		Technical Advisory Committee																													
Prepare specific Terms of Reference for consultant tasks. Tender work.		Technical Advisory Committee, Public Works																													
Review and evaluate various stakeholder perspectives		Line Department																													
Evaluate City/Regional infrastructure		Technical Advisory Committee																													
Review and evaluate related federal and provincial initiatives		Technical Advisory Committee																													
Prepare overall draft concept		Public Works																													
Prepare detailed development plan - Highway/Local Park		Public Works																													
Prepare city/regional project reauthorization statement		Regional Special Projects, Roads Dep., City Traffic Planning																													
Review Official Plan and zoning laws		Technical Advisory Committee, Treasury Department																													
Prepare long term development guidelines		Technical Advisory Committee, Line Departments																													
Develop financial impact statement		Technical Advisory Committee, Line Departments																													
Prepare draft report		Technical Advisory Committee, Line Departments																													
Circulate and review draft report		Technical Advisory Committee, Line Departments																													
Prepare and submit final report																															

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REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its TENTH Report for 1993 and respectfully recommends:

1. A. That approval be given to Official Plan Amendment No. 121 to modify Policy A.2.9.3.28, (pertaining to Special Policy Area 33) to add a "notwithstanding" clause to permit a restaurant for property known as 1010 - 1024 Upper Wentworth Street, and that the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.
- B. That approval be given to amended Zoning Application 92-48, 891157 Ontario Inc. (Roy Yates), owner, requesting a further modification to the established "HH" (Restricted Community Shopping and Commercial) District regulations to permit a restaurant, on lands at 1010-1024 Upper Wentworth Street, as shown on the attached map marked as Appendix "A", on the following basis:
 - (a) That the amending by-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., to the subject lands by introducing the holding symbol 'H' as a suffix to the modified Zoning District. The holding provision will prohibit development of the subject lands until the applicant has applied for and received approval for:
 - i. a Site Plan Control application; and,
 - ii. all access approvals and amendments from the Regional Council, as required by the Roads Department.

Removal of the holding restriction shall be conditional upon the approval of the Site Plan Control application for the subject lands, and approval by Regional Council of all access agreements and amendments, as required by the Roads Department.

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City Council may remove the 'H' symbol, and thereby give effect to the "HH" District provisions as stipulated in this By-law by the enactment of an amending By-law.

- (b) That the "HH" (Restricted Community Shopping and Commercial) District regulations as set out under Section 14A of Zoning By-law No. 6593, as amended by By-law No. 85-171, applicable to the subject lands, be further modified to include the following variances as special requirements:
- i. Notwithstanding Section 14A(1) of By-law No. 6593, the following use shall be permitted:

a restaurant without any dancing or other entertainment except music and having a maximum gross floor area of 375 m² (4,037 square feet);
 - ii. A minimum 3.0 m (9.84 feet) wide landscape planting strip shall be provided and maintained along the southerly lot line;
 - iii. A minimum 3.0 m (9.84 feet) wide landscape planting strip shall be provided and maintained along the easterly lot line, except for access driveways;
 - iv. A minimum 6.0 m (19.68 feet) wide landscape planting strip shall be provided and maintained along the westerly lot line;
 - v. A visual barrier of not less than 1.2 m (3.93 feet) in height and not more than 2.0 m (6.56 feet) in height shall be provided and maintained within the landscaped planting strip along the westerly lot line;
 - vi. A visual barrier of not less than 1.2 m (3.93 feet) in height and not more than 2.0 m (6.56 feet) in height shall be provided and maintained along the southerly lot line; and,
 - vii. Notwithstanding Section 14A(3)(a), a second ground sign shall be permitted with a minimum front yard depth of 4.5 m (14.77 feet).

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- (c) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-922c, and that the subject lands on Zoning District Map E-18A be notated S-922c;
 - (d) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-18A for presentation to City Council; and,
 - (e) That the proposed modification in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. 121 by the Regional Municipality of Hamilton-Wentworth.
2. That in regard to the development of the Hamilton GO Transit Centre at 36 Hunter Street, that the following be endorsed:
- (a) That the alternative design concept of the Hunter Street frontage as shown on Appendix "B" be approved in principle and be forwarded to the Transport and Environment Committee for consideration and direction to work with GO Transit representatives for its implementation;
 - (b) That the proposed ramp and reconstructed steps at Hughson and Haymarket Streets including a canopy as an extension of the Transit Centre roof structures form part of the development; and
 - (c) That updated plans included Site, Grading, Landscape and Canopy elevations be submitted for approval which should include the following:
 - i. an extended vestibule area at the south entrance;
 - ii. extended canopies along Hunter Street toward John and James Streets;
 - iii. notation of paving treatment for pedestrian crossings; and
 - iv. barrier-free access design features.

3. (a) That an Offer to Purchase from the Corporation of the City of Hamilton, duly executed by the purchaser, Giacomo Angelini, on May 11, 1993 and scheduled to close on September 17, 1993, for the lands being composed of the north half of part 1 and all of Part 5 on Plan 62R-8770, known as 1632 Upper Ottawa Street, be approved and completed. The purchase price is \$110,000. A required deposit cheque in the amount of \$11,000. is being held by the City Treasurer pending Council approval, with the proceeds to be credited to Account No. CH 4X501 00102 (Property Sales - Reserve for Property Purchases).
- (b) That the Mayor and City Clerk be authorized and directed to execute the necessary documents.

4. That the City Solicitor be directed to prepare an amendment to the Building Code By-law 85-86 to amend the building permit fee for the following construction:

	<u>Existing</u>	<u>Proposed</u>
Installation of air conditioning unit	\$150.	\$75.
Installation of a heat pump	\$150.	\$75.
Reshingling of roof for single family dwelling	\$150.	\$75.
Demolition of garage or shed of single family dwelling	\$150.	\$75.
Any construction where the construction cost is less than \$1000.	\$150.	\$75.

5. A. That the Mayor be authorized and directed to forward the following comments to the Region of Hamilton-Wentworth respecting the report by C.N. Watson & Associates on proposed changes to the Regional Development Charges By-law #R90-082.
 - (a) That the City of Hamilton support:
 - i. A review of all costs related to development.
 - ii. Financial policy guidelines for Deferred Payment Agreements.

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- iii. Calculation of non-residential charges on a square foot basis instead of an acreage basis.
 - iv. Farm exemptions.
 - v. No exemptions for institutional uses other than the mandatory exemption provided by the Development Charges Act.
 - vi. The continuation of the policy of providing a credit for conversion of existing space.
- B. That the City of Hamilton is opposed to the recommendation for the period to which a credit will be granted for exemptions for property where building was previously located on the lot be reduced from ten years to three years for the following reasons:
- i. The reduction in credit will unfairly penalize redevelopment in the City of Hamilton to the benefit of greenfield development in other areas.
 - ii. Reduction in the credit period from ten to three years will discourage rather than encourage redevelopment.
 - iii. It is contrary to the Region's planning strategy dealing with intensification of existing properties and does not result in optimum use of previously developed serviced lands of which the City has a surplus.
 - iv. It is in contradiction to the Region's support for sustainable development.
- C. That the City of Hamilton oppose the recommendation that infill development be required to pay the same charge as all other forms of development for the following reasons:
- i. The proposal will discourage infill development.
 - ii. The charge for infill will be the same as for greenfield development which will penalize the City of Hamilton in relation to outlying municipalities.

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- iii. Infill development needs incentives in order to encourage conversion of existing buildings and utilization of existing property which is already serviced and maintained by the City. New development may reduce serving costs while at the same time increase assessment. The City already promotes infill development by exempting ten residential units or less from development charges and from many requirements under the Zoning By-law.
 - D. That the City of Hamilton oppose the recommendation to continue the policy of uniform development charges throughout the entire region for the following reasons:
 - i. There is no equity between greenfield developments occurring in the outlying portion of the Region and the City of Hamilton.
 - ii. There are specific areas within the City which should be exempt from any development charges as there are already adequate services provided and, in fact, the total demand for services in these areas has declined.
 - iii. Due to projected population growth and anticipated demand on services, most of the City does not require the provision of any hard services or increase in pipe sizing.
 - E. That the City of Hamilton has no comment on the remaining recommendations.
6. (a) That City Council enact a by-law to amend By-law 81-160 regulating Signs over Sidewalks and Highways to provide for the following:
- i. To amend Section 8 by deleting "display sign structure" and add the words "display sign and sign structure" to coincide with definitions contained in Section 1.(d) and 1.(e) of the By-law.
 - ii. To amend Section 9 regarding penalty to comply with the requirements of the Provincial Offences Act.
- (b) That the City Solicitor be directed to prepare the appropriate by-law for Council's consideration.

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7. That the Building Commissioner be authorized to issue a demolition permit for 1383 Upper James Street.
8. That a Commercial Loan in the amount of ten thousand dollars (\$10,000.) be approved for John and Helen Mouskos. The interest rate will be 3 per cent, amortized over 10 years.
9. A. That approval be given to application 25T-92008, Sheldon Estates, Britannia Decorating and Painting Limited, owner, to establish a draft plan of subdivision, on the south side of Stone Church Road, between Garth Street and West Fifth Street, subject to the following conditions:
 - (a) That this approval apply to the plan, as revised in red, prepared by A.T. McLaren Limited, drawing number 25454 dated July 7, 1992 showing 22 lots for single family dwellings, a block for future residential purposes and a block for a 0.3m reserve.
 - (b) That Lots 4 to 11 (inclusive) not be developed until the lands to the east have been registered under a plan of subdivision or a suitable storm and sanitary sewer outlet can be made available either, through the lands to the east, or alternatively, from Chesley Street, through an optional connection designed to the satisfaction of the Commissioner of Transportation/Environmental Services.
 - (c) That the Owner acquire the necessary lands to establish the road allowance along the flankage of Lot 19 and the frontage of Lots 20 to 22 (inclusive) to its full width and that these lands be incorporated into the Final Plan of Subdivision or, alternatively, transferred to the City of Hamilton so that they be opened by By-law prior to registration of the Final Plan of Subdivision.
 - (d) That the lands required for the road allowance adjacent to the flankage of Lot 17 and the frontage of Lot 18 and 19 be established to its full width prior to registration of the Final Plan of Subdivision.
 - (e) That Block 23 be developed only in conjunction with the adjacent lands to the north.

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- (f) That the portion of the road allowance bulb adjacent to Lots 21 and 22 which is within the limits of the subdivision be shown on the Final Plan as a separate Block and dedicated to the City of Hamilton as a public highway.
- (g) That the Owner acquire sufficient lands on the west side of Chesley Street (1.032 metres) and sufficient lands on the east side of Chesley Street (3.00 metres) to establish the road allowance on Chesley Street at 24.032 metres for a distance of approximately 78 metres, which distance is to coincide with the side lot lines of Lots 2 and 3 on the east side and Lot 13 and Block 23 on the west side of Chesley Street.
- (h) That the Owner acquire the necessary lands to establish a 7.50m x 7.50m daylight triangle at the widened limits of Chesley Street and Stone Church Road West, on both the east and west side of Chesley Street.
- (i) That the Owner acquire sufficient lands to dedicate a 5.18m strip of land to the Region for road widening purposes on Stone Church Road West between the limits of the two daylight triangles where they intersect Stone Church Road West.
- (j) That the owner establish a 2.0m x 2.0m daylight triangle on the corner of Lot 17 at the L-shaped bend in the road.
- (k) That Chesley Street, south of Stone Church Road West, align centreline to centreline with the existing portion of Chesley Street north of Stone Church Road West.
- (l) That the Owner be required to enter into subdivision agreements with both City of Hamilton and the Region prior to the development of any portion of these lands.
- (m) That the Owner pay the full cost of municipal services on both sides of the roadway, less any oversizing, for above ground and below ground works installed on Chesley Street from Stone Church Road southerly, to the south limit of "Sheldon Estates" subdivision.
- (n) That the final plan not be approved until such time as municipal sewers, water and adequate road access are available to service the lands.

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- (o) That the streets be dedicated as public highways on the final plan to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
- (p) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
- (q) That the final plan conform with the Zoning By-law approved under the Planning Act.
- (r) That such easements as may be provided for utility or drainage purposes be granted to the appropriate authority.
- (s) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the total area in the final plan.
- (t) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
- (u) That any dead-ends or open sides of the road allowances created by the final plan be terminated in 0.3m reserves to be conveyed to the City of Hamilton and held by the City until required for future extension of the road allowances.
- (v) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton.
- (w) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton.

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- B. That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-92008), Britannia Decorating and Painting Limited, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and
 - C. That the Regional Commissioner of Planning and Development be advised of Council's decision.
10. (a) That the appropriate by-law to remove part-lot control from the lots in the Edan Heights, Phase 3 plan of subdivision, 62M-730, be enacted by Council.
- (b) That following enactment of this by-law, the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse same on the by-law.
11. (a) That approval be given to the proposed renaming of Gondola Street to Duncairn Crescent;
- (b) That authorization be given to hold a Public Meeting regarding the proposed name change;
- (c) That the City Solicitor be directed to prepare a by-law regarding the proposed name change.
12. A. That Item 33.A. of the Fifteenth Report of the Planning and Development Department to City Council on 1992 August 25, respecting Zoning Application ZA-92-26 by Jung Y. Mah, for lands at 674 Upper James Street be amended as follows:
- (a) amend Item 33.A.(b)(vi) by adding the following statement to the end of the sentence: - "except for the southerly 4.0 m."

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(b) add the following new clause as Item 33.A.(b)(x):

"Notwithstanding Section 18A(1)(f) of Zoning By-law No. 6593, the manoeuvring space/aisle width for the parallel parking spaces shall be 3.00 m minimum instead of the required 3.7 m."

13. That leave be granted to introduce the following Bills:

- (a) C-42 By-law to Amend By-law No. 81-160 respecting signs over sidewalks and highways
- (b) C-44 By-law to Amend Zoning By-law No. 6593 respecting land located at Municipal No. 146 Mount Albion Road
- (c) C-45 By-law to Amend By-law No. 80-245 respecting land drainage
- (d) C-46 By-law to designate land located at Municipal No. 90 Stinson Street as property of Historic and Architectural value and interest
- (e) C-47 By-law to remove land within the Edan Heights, Phase 3 Subdivision, Plan 62M-730 from Part Lot Control.

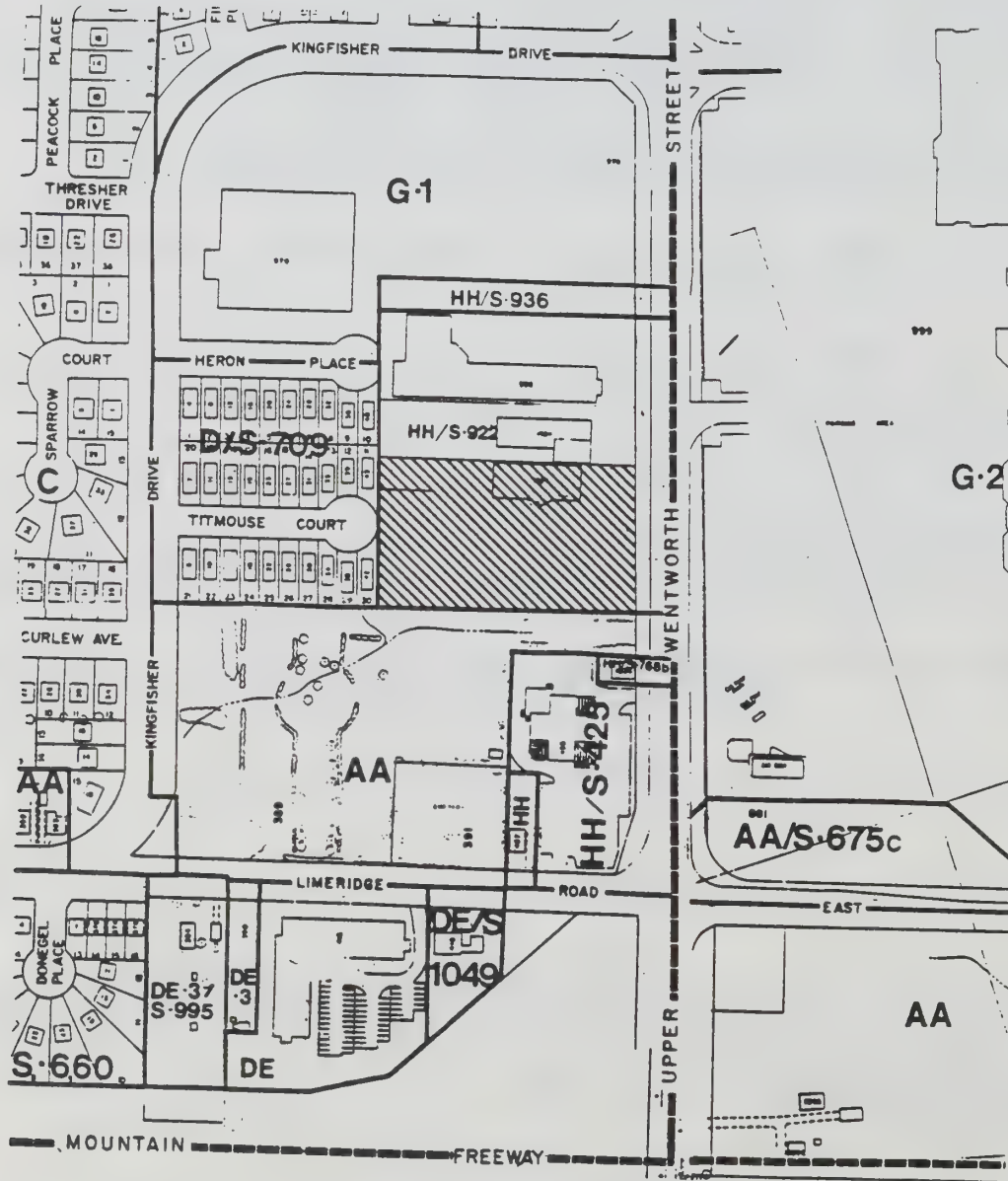
RESPECTFULLY SUBMITTED,

ALDERMAN D. DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE

Tina Agnello, Secretary
1993 May 19

1993 May 25

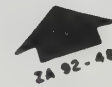
Appendix "A" as referred to
in Section 1B of the TENTH
Report of the Planning and
Development Committee for
1993



Legend



Site of the Application



HUNTER STREET



HUGHSON
STREET

GO STATION

1993 May 25

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **TWELFTH** Report for 1993 and respectfully recommends:

1. (a) That the Council of the Corporation of the City of Hamilton extend a formal invitation to the Federation of Canadian Municipalities to hold its 2002 Annual Conference in the City of Hamilton; and,

(b) That, subject to FCM acceptance of this invitation, the Treasurer be authorized and directed to set aside funding equivalent to a maximum of \$175,000. in 1993 dollars in the Reserve for Contingency Account, Centre 00115.
2. (a) That a policy be established where the budget for a capital project include a subsidy, donation, cost sharing or an allocation of funding from an outside source, the project will proceed only upon receipt of a definite commitment to that external funding to the satisfaction of City Council; and,

(b) That the City Treasurer be directed to apply any unbudgeted grant or other funding received from an external source, for projects previously approved by City Council, towards the financing of those projects and reduce the authorized financing from reserves or debentures accordingly, and further that these unbudgeted receipts not be used to increase the gross cost of the project; and,

(c) That any exception to (a) and (b) noted above be forwarded to the Capital Budget Sub-Committee and Management Team for review and recommendation for consideration by the Finance and Administration Committee.

1993 May 25

3.
 - (a) That the Treasurer be authorized to negotiate an extension of all existing insurance policies due for renewal to 1994 January 1; and,
 - (b) That a specification for insurance coverage be issued to the following insurance brokers to obtain quotations on behalf of the City of Hamilton:
 - (i) Dalton Insurance Brokers Limited
75 Hunter Street West
Hamilton, Ontario
L8N 3S4
 - (ii) Johnson & Higgins Ltd.
40 King Street West
Toronto, Ontario
M5H 3Y2
 - (iii) Alexander & Alexander
Reed Stenhouse
20 Bay Street
Toronto, Ontario
M5J 2N9
4. That the Treasurer and the Commissioner of Human Resources be authorized to accept applications from eligible employees who wish to purchase season's tickets to the Hamilton Tiger-Cat Football Club, on a payroll deduction basis, provided:
 - (a) Repayment by the employee will be in equal instalments to be fully paid no later than the end of the applicable season; and,
 - (b) Any administrative costs associated with this project will be recovered by the City by mutual agreement between the Treasurer and the Hamilton Tiger-Cat Football Club; and,
 - (c) Promotional material with respect to this offer may be forwarded to employees with their pay cheques/stubs on a timely basis.
5. That the listing of Appointments To and Terminations From Permanent Positions with the Corporation of the City of Hamilton to 1993 May 12, attached herewith and marked Appendix "A", be approved.

1993 May 25

6. That approval be given for the exhibition of two pieces of sculpture, on loan from the Art Gallery of Hamilton, to be located in the lobbies of City Hall for a period of six months as follows:
 - (a) "Timewise", second floor lobby, west side; and,
 - (b) "Two Seated Figures", first floor lobby under stair bridge.
7.
 - (a) That, as the 1993 Annual Conference of the Association of Municipalities of Ontario is being held in Hamilton on 1993 August 22 - 24, all members of City Council be authorized to attend; and,
 - (b) That in keeping with past practice, the appointment of the City's seven (7) voting delegates be determined by lot if required.
8.
 - (a) That approval be given to the Public Works Department, Parks Division, to display photographic materials and drawings on the development of Hamilton's Harbour: Pier 4 Park and Harbourfront Park in the first floor foyer from 1993 June 14 - 30; and,
 - (b) That the City Clerk be authorized to approve of a similar use in future years, provided it does not interfere with any other activity.
9. That the Liquor Licence Board of Ontario be advised that the City of Hamilton recognizes the Municipal significance of a Community Festival being sponsored by the Beach Strip/Woodward Community Council at Lakeland Pool on Van Wagner's Beach on 1993 June 25th, 26th and 27th, and as such has no objection to the issuance of a Special Occasion Permit for this Festival.
10. That the Liquor Licence Board of Ontario be advised that the City of Hamilton deems the Earthsong Festival being held at Princess Point in Hamilton on 1993 July 1 - 4, to be an event of Municipal significance, and as such has no objection to the issuance of a Special Occasion Permit for this Festival.

1993 May 25

11. (a) That the City Clerk be delegated the authority to determine and advise the Liquor Licence Board of Ontario of the municipal significance of any festivals or community events proposed by any non-profit/charitable organizations proposing to hold events in the City of Hamilton requiring Special Occasion Permits; and,
 - (b) That the City Clerk advise members of City Council of approvals and/or denials that have been given pursuant to the above-noted resolution.
12. That the following resolution from the City of Ottawa respecting opposition to any cuts as proposed by the Provincial Government to the City of Ottawa, be received:

"WHEREAS the Provincial NDP Government has begun consultations with its respective funding recipients and looking into severe cut-backs, especially at the Municipal level; and,

WHEREAS they could impact the City of Ottawa by as much as \$7 million dollars; and,

WHEREAS these cuts will be retroactive to the beginning of 1993; and,

WHEREAS the Corporation of the City of Ottawa has bargained in good faith with its unionized employees and has arrived at binding collective agreements with three of the five unions; and,

WHEREAS these cuts would adversely affect our ability as a Corporation to deliver services we are committed to provide to our taxpaying public; and,

WHEREAS at this point these proposed cuts are purely arbitrary;

BE IT RESOLVED that City Council condemn any cuts as proposed by the Provincial Government to the City of Ottawa;

AND BE IT RESOLVED that we send this resolution to other Municipalities throughout the Province of Ontario (over 150,000 in population) who are equally affected by these draconian measures, and to the Association of Municipalities of Ontario."

1993 May 25

13. That the following resolution from the Town of Ancaster respecting opposition to the Provincial Government's Fiscal Policies within the context of a Social Contract and the Expenditure Control Plan, be received:

"WHEREAS the Town of Ancaster has, over the past number of years, taken initiatives for control and restraint of the Town's finances; and,

WHEREAS the Town has, through its 1993 Budget process, attempted to deal logically with supplying the citizens with needed capital projects; and,

WHEREAS the Provincial Government had taken a position of holding grants to a minimum in an effort to control the rising Provincial deficit; and,

WHEREAS the Provincial Government's Fiscal Plan to fight the deficit is a unilateral action which downloads the deficit onto Municipalities, and subsequently the property owner; and,

WHEREAS increasing the Municipal Property Tax is the most inappropriate means of fighting the Provincial deficit.

THEREFORE, BE IT RESOLVED:

THAT the Council of the Corporation of the Town of Ancaster strongly rejects the Provincial Government's Fiscal Policies within the context of a so-called Social Contract and the Expenditure Control Plan."

14. That the City of Hamilton offer to settle Ontario Court (General Division) Action No. 14232/89 on the following terms:
- (a) That the City pay to the Plaintiff, Michael McNamara, the sum of \$2,000. inclusive of all damages, interest, disbursements and costs; and,
 - (b) That the Plaintiff be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,
 - (c) That the Plaintiff dismiss Ontario Court (General Division) Action No. 14232/89 as against the Corporation of the City of Hamilton without costs.

1993 May 25

15. That the City of Hamilton accept the Plaintiff's offer to settle Ontario Court (General Division) Action No. 15219/89 on the following terms:
 - (a) That the City pay to the Plaintiff Alexander McMaster, the sum of \$500. inclusive of all damages, interest, and costs; and,
 - (b) That the Plaintiff be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,
 - (c) That Ontario Court (General Division) Action No. 15219/89 be dismissed as against the Corporation of the City of Hamilton without costs.
16. That the City of Hamilton offer to settle Ontario Court (General Division) Action No. 9943/90 on the following terms:
 - (a) That the City pay to the Plaintiffs, Richard Tyo, Celina Tyo and Serina Tyo, the sum of \$4,000. inclusive of damages and interest; and,
 - (b) That the City pay to the Plaintiffs fifty percent of their disbursements and costs of this action to be agreed or assessed; and,
 - (c) That the Plaintiffs be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,
 - (d) That the Plaintiffs dismiss Ontario Court (General Division) Action No. 9943/90 as against the Corporation of the City of Hamilton without costs.
17. That the City of Hamilton Offer to Settle in Ontario Court (General Division) Action No. 23758/90 on the following terms:
 - (a) That the City offer to pay the Plaintiff Suzanna Campbell the amount of \$2,500. inclusive of all damages, disbursements, interest and costs; and,
 - (b) That the Plaintiff Suzanna Campbell be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,
 - (c) That the Plaintiff dismiss Ontario Court (General Division) Action No. 23758/90, as against the Corporation of the City of Hamilton without costs.

1993 May 25

18. (a) That the assessments of taxable benefits for employees who are on call and take home a City vehicle (truck, van, service vehicle, or car) at the request of and/or for the benefit of the City, for the years 1990, 1991 and 1992, where applicable, be paid by the City; and,
- (b) That the estimated total cost of \$75,000. for such assessments as determined by Revenue Canada for each individual involved, be financed from the Reserve for Contingency, Centre 00115; and,
- (c) That future taxable benefits resulting from taking a vehicle home from 1993 onward be assessable to the individual employee involved.
19. That Section 20 of the Eleventh Report for 1993 of the Finance and Administration Committee, approved by City Council at its meeting held 1993 May 11th, respecting the appointments of three members of City Council to conduct a Hearing on an issue respecting the City's Adult Video By-law No. 93-045, be amended by deleting the name "Alderman F. Eisenberger" and inserting in lieu thereof the name "Alderman D. Agostino".
20. That leave be granted to introduce the following Bills:
- (a) Bill H-40 A By-law to authorize an amendment to the Renovation and Retrofit of the Huntington Park Recreation Centre.
- (b) Bill H-41 A By-law to amend Schedules 4 and 4a of By-law 79-323 respecting Taxi-Cabs, Livery Vehicles and School Transportation.
- (c) Bill H-42 A By-law to confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

RESPECTFULLY SUBMITTED,

**ALDERMAN D. ROSS, CHAIRPERSON
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder
Secretary
1993 May 20**

Appendix "A" referred to in Section 5 of the TWELFTH Report of the Finance and Administration Committee for 1993.

THE CORPORATION OF THE CITY OF HAMILTON

APPOINTMENTS TO PERMANENT POSITIONS

NAME	STATUS	CLASSIFICATION	DEPARTMENT	REASON HIRED	SALARY SCHEDULE	EFFECTIVE DATE
Mr. John Cowles	I	Forester II (D-8)	Public Works	Replacing Mr. W. Longley - promoted March 08/92 - D. Couch promoted New Position Council Approved January 28/92	\$37,510.72	March 08/93
Mr. Robert Daiber	E	Probationary Firefighter (NIB)	Fire	Replacing Mr. N. McFadyen - retired Sept. 30/92	\$34,234.08	April 13/93
Ms. Carolyn Edwards	I	Typist Clerk II (7-C)	Treasury	Replacing Ms. P. D'Ariano - promoted, Nov. 16/92 New Position, Council Approved Jan. 14/92	\$25,179.44 to \$27,303.64	April 19/93
Mr. Joseph Gattozzi	I	Motor Mechanic I (T-2)	Fleet Services	Restructuring - Council Approved August 27/91	\$44,784.48	April 05/93
Mr. John P. Glass	I	Captain (C-8)	Fire	Replacing Mr. D. Clark promoted Feb. 14/93 start out as probationary firefighter & advance	\$61,750.44	April 11/93

Prepared May 12/93

Status

Internal - I
External - E

THE CORPORATION OF THE CITY OF HAMILTON

APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>EMPLOYEE STATUS</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>EFFECTIVE DATE</u>
Mr. David Majnusz	E	Probationary Firefighter (NIB)	Fire	Replacing Mr. G. Sabados - deceased Nov. 8/92	\$34,234.08	April 13/93
Mr. Paul Mason	I	Captain (C-8)	Fire	Replacing Mr. G. Desjardais - promoted Feb. 14/93 start out as probationary firefighter & advance	\$61,750.44	April 11/93
Mr. John McCarthy	E	Probationary Firefighter (NIB)	Fire	As the result of a firefighter promotion - M. Hanson retired November 30/92	\$34,234.08	April 13/93
Mr. C. Paul Meredith	I	Captain (C-8)	Fire	Replacing Mr. M. Hanson - retired Nov. 30/92	\$61,750.44	April 11/93

Prepared May 12/93

Status
Internal - I
External - E

1993 May 25

THE CORPORATION OF THE CITY OF HAMILTON

APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>EMPLOYEE STATUS</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>EFFECTIVE DATE</u>
Mr. Stephen Miller	E	Probationary Firefighter (NIB)	Fire	Replacing Mr. D. Wishart - retired Nov. 28/92	\$34,234.08	April 13/93
Mr. Darrell Skuse	E	Probationary Firefighter (NIB)	Fire	Replacing Mr. J. Bridle - retired Nov. 28/92	\$34,234.08	April 13/93
Mr. Ed Swienky	I	Supervisor of Traffic Studies (L)	Traffic	Reclassified to non union position - Council Approved February 23/93	\$43,484.48 to \$51,205.44	April 12/93
Mr. Sydney Tinson	I	Traffic Serviceman/ Woman I (11-E)	Traffic	Replacing Mr. S. Clarke - promoted Feb. 15/93 - D. DiMascio terminated November 11/92	\$29,714.88 to \$32,754.28	March 22/93
Mr. Chris VanBerkel	I	Traffic Legislative Co-ordinator (M)	Traffic	Reclassified to non union position - Council Approved February 23/93	\$40,640.60 to \$47,819.20	April 12/93

Prepared May 12/93

Status
Internal - I
External - E

1993 May 25

THE CORPORATION OF THE CITY OF HAMILTON
TERMINATIONS FROM PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON</u>	<u>LENGTH OF SERVICE</u>	<u>EFFECTIVE DATE</u>
Mr. Mario D'Anico	Concrete Finisher	Public Works	Terminated	8 years	April 25/93
Mr. Tim DiMascio	Labourer	Parking Authority	Terminated	1 year, 11 months	March 11/93
Ms. Mary Hudon-Stroud	Typist Clerk Dispatcher	Public Works	Resigned	2 years, 11 months	March 19/93

Prepared May 12/93

Glossary of Terms

Terminated - long term disability
- discharge
- downsizing
- redundant

Resigned - personal betterment
- personal reasons

BILLS

CITY COUNCIL

1993 MAY 25

[URBAN Minister
MAY 24 1993]
GOVERNMENT DOCUMENTS

The Corporation of the City of Hamilton

BY-LAW NO. 93-

To Amend: By-law No. 81-160

Respecting

SIGNS OVER SIDEWALKS AND HIGHWAYS

WHEREAS Section 308 of the Municipal Act, R.S.O. 1990, Chapter M.45 authorizes a Council to enact by-laws to permit persons, under conditions that may be agreed upon, to place, install, construct, maintain and use objects in, on, under or over sidewalks and highways;

AND WHEREAS By-law 81-160 was enacted by Council on May 11, 1981 to regulate the placement of signs over sidewalks and highways;

AND WHEREAS the Council of The Corporation of the City of Hamilton on May 25, 1993, in adopting Item 6 of the 10th Report of the Planning and Development Committee, authorized this By-law.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. Section 8 of By-law 81-160 is repealed and the following is substituted in lieu:

"8. (1) No person shall place, construct, install, maintain or use any display sign or sign structure over any sidewalk and highway without a permit issued under this by-law.

(2) Notwithstanding subsection (1) of Section 6, no person shall place, construct, install, maintain or use any display sign or sign structure over any sidewalk and highway until Form 1 has been signed by the applicant and lodged with the chief building official."

2. Section 9 of By-law 81-160 is repealed and the following is substituted in lieu;

"9. Every person who contravenes subsections (1) or (2) of Section 8, is guilty of an offence and upon conviction is liable to a fine specified by the Provincial Offences Act, R.S.O. 1990, Chapter P.33."

PASSED this day of , 1993.

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 93-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 146 MOUNT ALBION ROAD

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish a special requirement under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-87 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The "C" (Urban Protected Residential, etc.) District provisions, as contained in Section 9 of Zoning By-law No. 6593, applicable to the lands referred to in section 1 are amended to the extent only of the special requirement that,

- (a) notwithstanding Sections 9(3)(ii) and 9(3)(iii) of By-law No. 6593, every building and structure, except a fence, shall be set back not less than 7.6 m from the "top of bank" as established by a survey according to the Hamilton Region Conservation Authority as shown on Schedule "A", extending along the westerly boundary between the "C" (Urban Protected Residential, etc.) District and the "AA" (Agricultural) District.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "C" District provisions, subject to the special requirement referred to in section 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1309.

5. Sheet No. E-87 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1309.

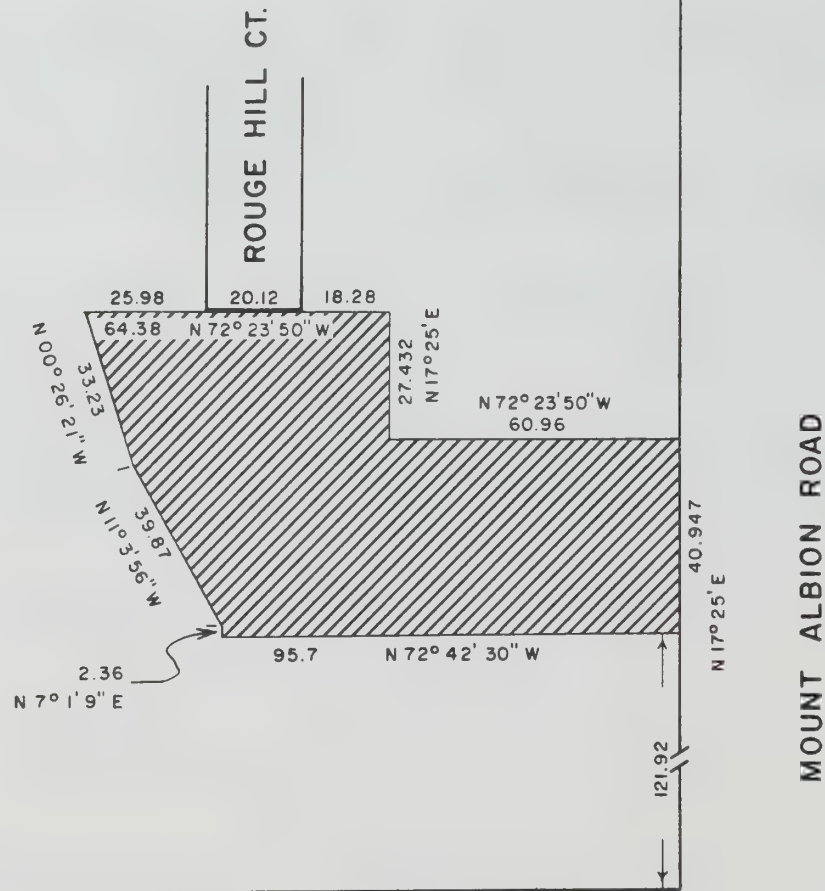
6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1993.

CITY CLERK

MAYOR

(1993) 8 R.P.D.C. 5, April 27
R. V. Kemp (In Trust), Owner
Amended ZA-91-60



ALBRIGHT ROAD

NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 93-.....
Passed the day of, 1993.

.....
Clerk

.....
Mayor

City of Hamilton
Schedule A

Map Forming Part of
By-Law No. 93-.....

to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Change in zoning from:



"AA" (Agricultural) District to "C" (Urban
Protected Residential, etc.) District, modi-
fied.

North



Scale
NOT TO SCALE

Date
APRIL 1993

Reference File No.
ZA 91-60

Drawn By
Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 93-

To Amend By-law No. 80-245

Respecting:

LAND DRAINAGE

WHEREAS By-law No. 80-245 was enacted by the Council of The Corporation of the City of Hamilton on September 9, 1980, respecting land drainage;

AND WHEREAS section 6 of By-law No. 80-245 was amended by By-laws No. 88-09 and No. 88-207;

AND WHEREAS the Council of The Corporation of the City of Hamilton on January 26, 1993, in adopting Item 5 of the 2nd Report of the Planning and Development Committee, authorized a further amendment to Section 6 and Section 12 of By-law No. 80-245;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. Section 6 of By-law No. 80-245, as amended, is repealed and the following is substituted in lieu:

Roof Leaders

"6. (1) The roof leaders of all structures with a horizontal roof area of greater than 50 m² shall be connected to storm sewers, where separate storm and sanitary sewers are available and the storm sewer system on the street was constructed after 1970 and the structure is erected after 1987.

(2) Subsection (1) shall not apply to subdivisions where the plan of subdivision is registered in the Land Registry Office for Hamilton-Wentworth prior to the 30th day of January 1988.

(3) Subsection (1) shall not apply to buildings other than single family and two family dwellings and accessory buildings, where the owner of the building supplies a site design prepared by a Professional Engineer and the design is approved by the Commissioner of Transportation/Environment Services."

2. Section 12 of By-law 80-245 is repealed and the following is substituted in lieu:

"12. Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to the penalty specified by Section 61 of the Provincial Offences Act, R.S.O. 1990, Chapter P.33."

3. By-law No. 88-207 and Section 4 of By-law No. 88-09 are hereby repealed.

PASSED this day of 1993.

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 93-

To Designate:

LAND LOCATED AT MUNICIPAL NO. 90 STINSON STREET

As Property of:

HISTORIC AND ARCHITECTURAL VALUE AND INTEREST

WHEREAS the Council of The Corporation of the City of Hamilton did give notice of its intention to designate the property mentioned in section 1 of this by-law in accordance with subsection 29(3) of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18;

AND WHEREAS no notice of objection was served on the City Clerk as required by subsection 29(5) of the said Act;

AND WHEREAS it is desired to designate the property mentioned in section 1 of this by-law in accordance with clause 29(6) (a) of the said Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The property located at Municipal No. 90 Stinson Street and more particularly described in Schedule "A" hereto annexed and forming part of this by-law, is hereby designated as property of historic and architectural value and interest.

2. The City Solicitor is hereby authorized and directed to cause a copy of this by-law, together with reasons for the designation set out in Schedule "B" hereto annexed and forming part of this by-law, to be registered against the property affected in the proper registry office.

3. The City Clerk is hereby authorized and directed,

- (i) to cause a copy of this by-law, together with reasons for the designation, to be served on the owner and The Ontario Heritage Foundation by personal service or by registered mail;
- (ii) to publish a notice of this by-law in a newspaper having general circulation in the Municipality of the City of Hamilton for three consecutive weeks.

PASSED this day of A.D. 1993.

CITY CLERK

MAYOR

Schedule "A"

To

By-law No. 93-

90 Stinson Street, Hamilton, Ontario

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Hamilton, in The Regional Municipality of Hamilton-Wentworth more particularly described as follows:

FIRSTLY: Being composed of parts of Lots Numbers One (1), Two (2) in that block of land lying immediately south of Stinson Street and east of Victoria Avenue, according to the plan of survey thereof made for C.T. Grantham, filed on the 18th day of December 1906, as Number 397, more particularly described as follows, that is to say: -

COMMENCING at a point on the southerly limit of Stinson Street which is twelve (12) feet measured westerly from the northeasterly angle of said Lot Number One (1);

THENCE westerly along said southerly limit of Stinson Street and across Lots Numbers (1) and Two (2) a distance of forty (40) feet to the northwesterly angle of said Lot Number Two (2);

THENCE southerly following the westerly limit of said Lot Number Two (2) to the rear thereof;

THENCE easterly along the rear of said Lots One (1) and Two (2) a distance of forty (40) feet to a point;

THENCE northerly and parallel with the westerly limit of said Lot Number Two (2) to the place of beginning.

The property hereby intended to be conveyed, being the westerly Fourteen (14) feet of Lot Number One (1) measured an equal width from front to rear and Lot Number Two (2), which property is presently known for Municipal purposes as 82 Stinson Street, Hamilton, Ontario.

SECONDLY: Being composed of part of Lot Seventeen (17) and all of Lot Eighteen (18) in the Billings and Fearman's Subdivision of lands in the City of Hamilton according to registered Plan Number 31 and also part of Lots 1 and 17 in the Grantham Survey which plan is registered as Number 397, which parcel is now shown as Lot Number 1 on Plan of Survey made by Oliver R. Blandy for Frances L. Fearman and S. L. Heaton, which plan is registered in the Registry Office for the County of Wentworth as Number 668 and which may be more particularly described as follows:

COMMENCING at the southwest corner of East Avenue and Stinson Street;

THENCE southerly along the westerly limit of East Avenue One Hundred and Eleven Feet (111') to a point;

THENCE North Seventy-one Degrees and Sixteen Minutes West (N 71° 16'W) One Hundred and Twenty-eight feet Eleven and one-half inches (128' 11-1/2") to a point;

THENCE North Seventeen Degrees and Forty-three Minutes East (N 17° 43'E) One Hundred and Ten Feet Seven Inches (110'7") to the southerly limits of Stinson Street;

THENCE South Seventy-one Degrees Twenty-eight Minutes East (S 71° 28'E) One Hundred and Twenty-eight Feet Six Inches (128'6") more or less to the place of beginning, which property is presently known for Municipal purposes as 90 Stinson Street, Hamilton, Ontario.

THIRDLY: The northerly five (5) feet from east to west of Lots Three and Four according to the plan of survey registered in the Registry Office for the Registry Division of Wentworth as Number 668.

Schedule "B"

to

By-law 93-

Fearman House

90 Stinson Street

The substantial stone residence at 90 Stinson Street was built in 1863 for Frederick W. Fearman and was later enlarged in 1875 and 1890. Today, with its prominent, three-storey entrance tower marking the head of East Avenue South, this commanding Victorian mansion stands out as an important neighbourhood landmark and as one of the City's finest stone mansions erected in the pre-Confederation era.

Context

When constructed, the home was situated on an acre of land near the south-east limits of the City, almost a mile from its centre. The house occupied a scenic location at the foot of the mountain, with a vista overlooking the open fields to the Bay beyond.

By the 1890's, urban development had spread eastward, encompassing the Fearman property, and transforming the area into a prosperous residential neighbourhood. The entrance lane to 90 Stinson Street had by then become a tree-lined avenue of stately Victorian homes. This vista up East Avenue toward the dominating entrance tower of the Fearman Home - a feature which enhances the impact of both streetscape and mansion - is one of the few examples left in the City of a once-prevalent Victorian urban form.

In the late nineteenth century, major public buildings were situated in the immediate area: in 1876, the Hamilton Boys Home, featuring a central clock tower, was located one block east of the Fearman House on Stinson Street; in 1895 the Stinson Street School was erected five blocks to the east; and in the following year the new Central Collegiate Institute, an extraordinary, monumental structure resembling Toronto's old City Hall, dominated the neighbourhood from its site one block to the west at Victoria and Hunter Streets. Today, Stinson St. School and the Fearman House are the primary monuments which recall the neighbourhood's heyday at the turn of the century.

Architecture

Frederick W. Fearman's house is considered a true product of the Victorian era, built in stages from 1863 to 1890, as his architectural tastes and circumstances changed. Its pre-Confederation origin is indicated by the use of local stone, which was rarely employed in Hamilton for houses after the 1860's. Stylistically, 90 Stinson Street displays the hallmarks of the popular Gothic Revival style: pointed, lancet windows, a steeply pitched roofline with dormers, and decorative bargeboard at the gable ends.

Later, and with considerable finesse, an imposing central entrance tower of combined Italianate and Gothic derivations was appended to the front facade of the original home, transforming it into a highly fashionable Victorian mansion, appropriate to Fearman's growing economic and social status. "Ivey Lodge", as it was known, was originally embellished with look-out balconies on the tower, shutters on the upstairs windows, and a charming landscaped garden with climbing vines. Today, 90 Stinson Street retains most of its original features and is unique among the mansions inherited from Hamilton's pioneering industrialists.

History

Original owner Frederick William Fearman built his stone house on Stinson Street when he was thirty-eight years old and still working as a grocer and meat-curer in the downtown. He was to live in the same home for another forty-three years, during which time he bought a small meat-packing company at Rebecca and Wellington Streets and developed it into one of the foremost packing houses in Canada. Fearman is credited with pioneering new techniques and organizing all meat-packing operations for the first time into one plant. His "Star Brand" products were shipped from a railway siding off the Grand Trunk Railway on Ferguson Avenue and distributed all across North America, and eventually to the Caribbean and Europe.

Not only was F. W. Fearman a founding member of the Pork Packers' Association, but he also provided local civic leadership as a member of City Council, Hamilton Public Library, Board of Education (1867-84), Public Parks Board, and Wentworth Historical Society. Present-day evidence of his public works contributions include the City's Waterworks, the tree-planting program for City streets, and the purchase of Dundurn Castle by the City in 1899. The Fearman family occupied 90 Stinson Street for a total of sixty-three years until 1926 when Robert S. Hart purchased the premises.

Designated Features

Of importance to the preservation of 90 Stinson Street are the original features of the front (north) facade and the east and west side facades, including but not limited to the stone walls, roof, chimneys and dormers, central tower, original windows including the bay windows and circular trefoil window, original doors, and decorative wood bargeboard and brackets.

The Corporation of the City of Hamilton

BY-LAW NO. 93-

To Remove
Land within the Edan Heights, Phase 3 Subdivision, Plan 62M-730
from Part Lot Control

WHEREAS subsection 5 of section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of section 50 of the Planning Act, states, in part, as follows:

- (7) Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or part of parts thereof as is or are designated in the by-law, and, where the by-law is approved by the Minister, subsection (5) ceases to apply to such land, . . .;

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton-Wentworth pursuant to section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of section 50 of the Planning Act, shall not apply to the following lands:

All lots within Registered Plan Number 62M-730, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth.

2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton-Wentworth.
- (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

PASSED this

day of

A.D. 1993.

CITY CLERK

MAYOR

SCHEDULE "A" TO BY-LAW 93-

<u>Project</u>	<u>Gross Cost</u>	<u>Receipts & Subsidies</u>	<u>Debenture Amount</u>	<u>Term of Debenture</u>
Huntington Park Recreation Centre Renovation Retrofit	\$3,385,000	\$ 310,000	\$3,075,000	20 years

The Corporation of the City of Hamilton

BY-LAW NO. 93-

To Amend Schedules 4 and 4a of By-law 79-323 Respecting:

TAXI-CABS, LIVERY VEHICLES AND SCHOOL TRANSPORTATION

WHEREAS it is desirable and expedient to extend the definition of taxi-cabs to motor vehicles with seating for 10 persons including the driver;

AND WHEREAS it is desirable to exempt vehicles which have a seating capacity of 11 or more persons from regulation as taxis;

AND WHEREAS it is desirable to exempt certain vehicles from licensing as taxis and livery vehicles or limousines, and in particular those vehicles which the school authorities find necessary for the special needs of students, and those vehicles operated by or for the Regional Municipality including DARTS vehicles and their subcontractors;

AND WHEREAS it is desirable to provide that school transportation not be affected by these changes until July 1, 1993, to allow the current school transportation contracts to expire and to provide time for compliance with the changes made;

AND WHEREAS it is desirable to exempt those vehicles formerly licensed as Class B Livery Vehicles from licensing as taxis and livery vehicles, and to rename Class "A" Livery Vehicles as "limousines" pending the replacement of Schedule 4a;

AND PURSUANT to the approval by Council of Item 14 of the 24th Report of the Finance and Administration Committee of 1992, and Item 1 of the 5th Report of 1993, as amended by Council on March 9, 1993;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Paragraph 13 of section 1 of Schedule 4 to Licensing By-law No. 79-323, as enacted in By-law 92-172, is repealed and replaced with the following:

"13. "taxi-cab" means a motor vehicle as defined in the Highway Traffic Act, having a seating capacity of not more than 10 persons including the driver, hired for one specific trip for the transportation exclusively of one person or group of persons."

2. Subparagraph (5) of section 2 of Schedule 4 to Licensing By-law No. 79-323 as enacted in By-law 92-172, is repealed.

3. Schedule 4 of Licensing By-law No. 79-323 as enacted in By-law 92-172, is amended by adding, immediately after section 2, sections 2a and 2b, as follows:

"2a. The operation of a motor vehicle which has seating for 10 or more persons excluding the driver, does not require a licence under this Schedule."

"2b. A motor vehicle operated by or on behalf of the Regional Municipality of Hamilton-Wentworth as part of a public transportation service, including a public transportation service for the transportation of senior citizens or disabled persons, and in particular including a vehicle owned or operated by the Hamilton Street Railway Company or a motor vehicle owned or operated by the Disabled and Regional Transit System (hereinafter called "DARTS"), or being a subcontractor to DARTS, is exempt from the requirement for an owners or drivers licence under Schedules 4 and 4a."

4. Schedule 4 of Licensing By-law No. 79-323 as enacted in By-law 92-172, is amended by adding, immediately after section 2b, sections 2c, 2d, and 2e, as follows:

"2c. In this by-law, the words "school" and "school bus" shall have the meanings provided in subsection 175(1) of the Highway Traffic Act."

"2d. In this by-law, a reference to "special need" shall be deemed a reference to needs as provided for in writing in the Transportation Policy of the Board of Education for the City of Hamilton, and The Hamilton-Wentworth Roman Catholic Separate School Board Transportation Policy and Regulations of such school board or other authority in charge of the school, as may be amended or added to from time to time, or as a board or other authority may accommodate under section 190 of the Education Act, R.S.O. 1990, c.E.2."

"2e. (1) Subject to subsection (2), the transportation of students for hire, to and from school within the City of Hamilton shall be by licensed taxi-cab, unless the vehicle used is a school bus which is licensed under the Public Vehicles Act, R.S.O. 1990, c.54.

(2) A motor vehicle licensed under the Public Vehicles Act, being used for the transportation of children, deemed to be of special need by the school board or other authority in charge of the school hiring the transportation, does not require a licence under Schedules 4 or 4a of this by-law."

5. Schedule 4a of Licensing By-law No. 79-323 as enacted in By-law 92-172, is amended by adding, immediately after section 2, sections 2a and 2b, as follows:

"2a. Notwithstanding the provisions of Schedule 4a as amended, the owners or drivers of Class "B" livery vehicles are hereby no longer licensed or regulated."

"2b. Notwithstanding the provisions of this Schedule and Schedule 45, references to Class "A" vehicles and licences shall be read as references to "limousines" and "limousine licences", and licences issued hereunder shall be Limousine Owners Licences and Limousine Drivers Licences."

6. (1) Subject to (2), this by-law comes into force and effect on the date of enactment.

(2) Section 4 of this by-law comes into force and effect on July 1, 1993.

7. In all other respects, Schedules 4 and 4a to Licensing By-law No. 79-323 as amended, are hereby confirmed without change.

PASSED this day of A.D. 1993.

City Clerk

Mayor

BY-LAW NO. 93 -

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 25TH DAY OF MAY A.D., 1993.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 25th day of May A.D. 1993

CITY CLERK

MAYOR

HAMILTON PUBLIC LIBRARY



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